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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–22813; Directorate Identifier 2002–NM–117–AD; Amendment 39–14493; AD 2000–24–03 R1]

RIN 2120–AA64

Airworthiness Directives; AvCraft Dornier Model 328–100 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is revising an existing airworthiness directive (AD) that applies to all AvCraft Dornier Model 328–100 airplanes. That AD currently requires revising the airplane flight manual (AFM) to provide the flightcrew with additional information regarding procedures to ensure complete pressurization of the hydraulic lines for the flaps. The existing AD also requires, for certain airplanes, modifying of the flap actuators of the flight controls. We issued that AD to prevent an uncommanded retraction of the flaps during takeoff, which could result in an aborted takeoff and consequent potential for runway overrun. This new AD allows the removal of the AFM revisions after modifying the flap actuators of the flight controls. This AD results from the determination that the AFM revisions are not necessary after modifying the flap actuators of the flight controls. We are issuing this AD to prevent an uncommanded retraction of the flaps during takeoff, which could result in an aborted takeoff and consequent potential for runway overrun.

DATES: The effective date of this AD is January 8, 2001.

On January 8, 2001 (65 FR 75601, December 4, 2000), the Director of the Federal Register approved the incorporation by reference of Dornier 328 All Operators Telefax AOT–328–27–016, Revision 1, dated October 28, 1998; and Dornier 328 Service Bulletin SB–328–27–293, dated November 10, 1999.

On November 12, 1998 (63 FR 57244, October 27, 1998), the Director of the **Federal Register** approved the incorporation by reference of Dornier 328 All Operators Telefax AOT–328–27–016, dated July 31, 1998.

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 AvCraft Aerospace GmbH, P.O. Box 1103, D–82230 Wessling, Germany, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Rosanne Ryburn, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2139; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the 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 proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with an airworthiness directive (AD) to revise AD 2000–24–03, amendment 39–12010 (65 FR 75601, December 4, 2000). The existing AD applies to all Dornier Model 328–100 series airplanes. The proposed AD was published in the **Federal Register** on November 1, 2005 (70 FR 65864) to continue to require revising the airplane flight manual (AFM) to provide the flightcrew with additional information regarding procedures to ensure complete pressurization of the hydraulic lines for the flaps, and for certain airplanes, modifying the flap actuators of the flight controls. The proposed AD also proposed to allow the removal of the AFM revisions after modifying the flap actuators of the flight controls.

Comments

We provided the public the opportunity to participate in the development of this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

We estimate that 52 airplanes of U.S. registry will be affected by this AD.

The AFM revision that is currently required by AD 2000–24–03, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the currently required AFM revision on U.S. operators is approximately $3,380, or $65 per airplane.

The modification that is currently required by AD 2000–24–03, and retained in this AD, takes approximately 4 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the currently required modification on U.S. operators is estimated to be $260 per airplane.

The removal of the AFM revisions that is specified in this AD, if done, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the removal of AFM revisions on U.S. operators is approximately $65 per airplane.

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 39–12010 (65 FR 75601, December 4, 2000), and adding the following new airworthiness directive (AD):

2000–24–03 R1 AvCraft Aerospace GmbH (Formerly Fairchild Dornier GmbH): Amendment 39–14493. Docket No. FAA–2005–22813; Directorate Identifier 2002–NM–117–AD.

Effective Date

(a) The effective date of this AD is January 8, 2001.

Affected ADs

(b) This AD revises AD 2000–24–03.

Applicability

(c) This AD applies to all AvCraft Dornier Model 328–100 airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from the determination that certain airplane flight manual (AFM) revisions are not necessary after modifying the flap actuators of the flight controls. We are issuing this AD to prevent an uncommanded retraction of the flaps during takeoff, which could result in an aborted takeoff and consequent potential for runway overrun.

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.

AFM Revision

(f) Within 14 days after November 12, 1998 (the effective date of AD 98–22–07, amendment 39–10854), accomplish the requirements of paragraphs (f)(1) and (f)(2) of this AD.

(1) Revise the Normal Procedures section of the Dornier 328 FAA-approved AFM to include the information specified in pages 6 and 7 of Dornier 328 All Operators Telefax (AOT) AOT–328–27–016, dated July 31, 1998. This may be accomplished by inserting a copy of pages 6 and 7 of the AOT into the AFM.

(2) Revise the Abnormal Procedures section of the Dornier 328 FAA-approved AFM to include the information specified in page 4 of Dornier 328 AOT–328–27–016, dated July 31, 1998. This may be accomplished by inserting a copy of page 4 of the AOT into the AFM.

New AFM Revision

(g) For all airplanes: Within 3 days after January 8, 2001 (the effective date of AD 2000–24–03), revise the Dornier 328 FAA-approved AFM as specified in paragraphs (g)(1) and (g)(2) of this AD. Concurrently with this AFM revision, remove the AFM revisions required by paragraph (f) of this AD from the AFM.

(1) Revise the Normal Procedures section to include the information specified in pages 4, 5, and 6 of Dornier 328 AOT–328–27–016, Revision 1, dated October 28, 1998. This may be accomplished by inserting a copy of pages 4, 5, and 6 of the AOT into the AFM.

(2) Revise the Abnormal Procedures section to include the information specified in page 3 of Dornier 328 AOT–328–27–016, Revision 1, dated October 28, 1998. This may be accomplished by inserting a copy of page 3 of the AOT into the AFM.

Modification

(h) For airplanes with serial numbers 3005 through 3099 inclusive, 3101 through 3108 inclusive, and 3110 through 3119 inclusive: Within 5 months after January 8, 2001, modify the flap actuators of the flight controls, in accordance with Dornier 328 Service Bulletin SB–328–27–293, dated November 10, 1999. After accomplishing the modification, operators may remove the AFM revisions required by paragraphs (f) and (g) of this AD from the AFM.

Note 1: The Dornier service bulletin references Liebherr Aerospace Service Bulletin 1048A–27–02, dated November 9, 1999, as an additional source of service information for accomplishing the modification of the flap actuators of the flight controls.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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.

(3) AMOCs approved previously in accordance with AD 98–22–07, amendment 39–10854, are approved as AMOCs with paragraph (f) of this AD.

(4) AMOCs approved previously in accordance with AD 2000–24–03, amendment 39–12010, are approved as AMOCs with this AD.

Related Information

(j) German airworthiness directive 1998–359/3, effective April 6, 2000, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use Dornier 328 All Operators Telefax AOT–328–27–016, dated July 31, 1998; Dornier 328 All Operators Telefax AOT–328–27–016, Revision 1, dated October 28, 1998; and Dornier 328 Service Bulletin SB–328–27–293, dated November 10, 1999; as applicable, unless the AD specifies otherwise.

(1) On January 8, 2001 (65 FR 75601, December 4, 2000), the Director of the Federal Register approved the incorporation by reference of Dornier 328 All Operators Telefax AOT–328–27–016, Revision 1, dated October 28, 1998; and Dornier 328 Service Bulletin SB–328–27–293, dated November 10, 1999.

(2) On November 12, 1998 (63 FR 57244, October 27, 1998), the Director of the Federal Register approved the incorporation by reference of Dornier 328 All Operators Telefax AOT–328–27–016, dated July 31, 1998.

(3) Contact AvCraft Aerospace GmbH, P.O. Box 1103, D–82230 Wessling, Germany, 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 February 10, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–1596 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–18648; Directorate Identifier 2004–NE–26–AD; Amendment 39–14494; AD 2006–04–12]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Series Turbofan Engines

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for General Electric Company (GE) CF34–3A1 and –3B1 series turbofan engines. That AD requires initial and repetitive visual inspections and eddy current inspections (ECIs) of certain stage 5 low pressure turbine (LPT) disks and stage 6 LPT disks, installed in GE CF34–3A1 and –3B1 series turbofan engines. Those engines are installed in certain Bombardier Canadair Regional Jet (RJ) airplanes. This AD requires the same initial and repetitive visual inspections and ECIs, but adds SNs to the affected disk population for RJ airplanes. This AD also adds GE CF34–1 and –3 series turbofan engines with certain stage 5 and stage 6 LPT disks, to the applicability section. Those engines are installed in certain Bombardier Canadair Business Jet (BJ) airplanes. Also, this AD requires eventual replacement of the affected disks as terminating action to the repetitive inspections. This AD results from the discovery of an additional population of suspect stage 5 LPT disks and stage 6 LPT disks that could fail due to low-cycle fatigue cracking that may start at the site of an electrical arc-out on the disk. We are issuing this AD to prevent low-cycle-fatigue (LCF) failure of stage 5 LPT disks and stage 6 LPT disks, which could lead to uncontained engine failure.

DATES: This AD becomes effective March 30, 2006. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 30, 2006.

ADDRESSES: You can get the service information identified in this AD from GE Aircraft Engines, 1000 Western Avenue, Lynn, MA 01910; Attention: CF34 Product Support Engineering, Mail Zone: 34017; telephone (781) 594–6323; fax (781) 594–0600.

You may examine the AD docket on the Internet at *http://dms.dot.gov* or in Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tara Fitzgerald, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7130; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed airworthiness directive (AD). The proposed AD applies to GE CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 series turbofan engines. We published the proposed AD in the **Federal Register** on September 1, 2005 (70 FR 52043). That action proposed to require the same initial and repetitive visual inspections and ECIs as AD 2004–15–03R1, but adds SNs to the affected disk population for RJ airplanes. That action also proposed to add GE CF34–1 and –3 series turbofan engines with certain stage 5 and stage 6 LPT disks, installed in certain Bombardier Canadair BJ airplanes, to the applicability section. Also, that action requires eventual replacement of the affected disks as terminating action to the repetitive inspections.

Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the Docket Management Facility Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES.** Comments will be available in the AD docket shortly after the DMS receives them.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request To Clarify the Nine-Month Time Limit

One commenter requests that we clarify the nine-month time limit imposed by compliance section paragraphs (f)(1) and (f)(2). We do not agree. The compliance section in the proposed AD does not contain a nine-month time limit. The commenter appears to have commented in error, on the previous AD, AD 2004–15–03R1, which does contain a nine-month time limit.

Request To Provide Reference to Business Jet Version of Service Bulletin

The same commenter states that in the compliance section, for the Bombardier Canadair CL600–2B19 airplane, the GE service bulletin referenced is for engines used in airline service (RJ). The commenter requests that we also provide reference to the Business Jet version of the GE service bulletin, so they can apply it to their Bombardier Canadair CL600–2B19 airplane. We do not agree. The Bombardier Canadair CL600–2B19 airplane is designated as an RJ airplane. We have correctly referenced the RJ version of the GE service bulletin in the proposed AD and the AD for Bombardier Canadair CL600–2B19 airplanes. The commenter appears to have commented in error, on the previous AD, AD 2004–15–03R1, which does not apply to CF–34 series engines on BJ airplanes.

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 as proposed.

Costs of Compliance

About 683 GE CF34–3A1 and –3B1 series turbofan engines are installed on Bombardier Canadair RJ airplanes of U.S. registry. We estimate that 355 of those engines will be affected by this AD. About 690 CF34–1A, –3A, –3A1, –3A2, and –3B series turbofan engines are installed in Bombardier Canadair BJ airplanes of U.S. registry. We estimate that 249 of those engines will be affected by this AD. We also estimate that it will take about 70 work hours per engine to perform the disk inspections when the LPT module is exposed in the shop, and about 94 work hours per engine to perform the disk inspections when the LPT module is forced off-

wing. We also estimate that the average labor rate is $65 per work hour. Prorated stage 5 LPT disks will cost about $42,650 (RJ), and $71,083 (BJ) per engine and prorated stage 6 LPT disks will cost about $30,110 (RJ) and $50,183 (BJ) per engine. We also estimate that about 24 stage 5 LPT disks and about 24 stage 6 LPT disks will be found with the arc-out condition and require replacement. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $14,409,772.

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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES.**

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 Federal Aviation Administration 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 FAA amends § 39.13 by removing Amendment 39–13773 (69 FR 50299, August 16, 2004), and by adding a new airworthiness directive, Amendment 39–14494, to read as follows:

2006–04–12 General Electric Company: Amendment 39–14494. Docket No. FAA–2004–18648; Directorate Identifier 2004–NE–26–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 30, 2006.

Affected ADs

(b) This AD supersedes AD 2004–15–03R1, Amendment 39–13773.

Applicability

(c) This AD applies to the following two groups of engine models:

(1) General Electric Company (GE) CF34–3A1 and –3B1 series turbofan engines with stage 5 low pressure turbine (LPT) disks, part number (P/N) 6078T92P01 or stage 6 LPT disks P/N 6078T89P01, or both, with serial numbers (SNs) listed in Figure 3 or Figure 4 of GE Alert Service Bulletin (ASB) No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005. These engines are installed on Bombardier Canadair CL600–2B19 Regional Jet (RJ) airplanes.

(2) GE CF34–1A, –3A, –3A1, –3A2, and –3B series turbofan engines with stage 5 LPT disks P/N 4922T16P01, 5024T53P01, 5024T53P02, or 6078T92P01 or stage 6 LPT disks P/Ns 4922T17P01, 5023T45P03, 5023T45P04, or 6078T89P01, or both, with SNs listed in Figure 3 or Figure 4 of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005. These engines are installed on Bombardier Canadair Models CL–600–2A12 (CL–601), CL–600–2B16 (CL–601–3A), (CL–601–3R), and (CL–604) Business Jet (BJ) airplanes.

Unsafe Condition

(d) This AD results from the discovery of an additional population of suspect stage 5 LPT disks and stage 6 LPT disks that could fail due to low-cycle fatigue cracking that may start at the site of an electrical arc-out on the disk. We are issuing this AD to prevent low-cycle-fatigue (LCF) failure of stage 5 LPT disks and stage 6 LPT disks, which could lead to uncontained engine failure.

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.

Initial Inspection or Replacement

(f) Using the compliance schedule in Table 1 of this AD, do the following:

(1) For engines installed in Bombardier Canadair RJ airplanes, if a stage 5 LPT disk or stage 6 LPT disk listed in Figure 3 of GE ASB No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005 or listed in any previous issue of ASB No. CF34–AL S/B 72–A0173 did not complete a visual inspection and eddy current inspection (ECI) using paragraphs 3.C.(1) through 3.D.(2) and paragraphs 3.E. through 3.E.(6) of the Accomplishment Instructions of that SB before June 1, 2005, then replace that disk at the next piece-part exposure.

TABLE 1.—COMPLIANCE SCHEDULE

On the effective date of this AD, if the disk has	Then perform the actions defined in paragraph (f) of this AD at next piece-part exposure, not to exceed the accumulation of
(i) 14,750 or more cycles-since-new (CSN) and has not been fluorescent penetrant inspected (FPI) at an earlier piece-part exposure.	An additional 250 cycles-in-service (CIS) after the effective date of this AD.
(ii) 14,750 or more CSN and has been FPI at an earlier piece-part exposure.	An additional 500 CIS after the effective date of this AD.
(iii) 14,500 or more CSN but fewer than 14,750 CSN	An additional 500 CIS after the effective date of this AD.
(iv) 14,250 or more CSN but fewer than 14,500 CSN	An additional 750 CIS after the effective date of this AD.
(v) 13,000 or more CSN but fewer than 14,250 CSN	An additional 1,000 CIS after the effective date of this AD.
(vi) 2,500 or more CSN but fewer than 13,000 CSN	An additional 4,000 CIS after the effective date of this AD, or 14,000 CSN, whichever comes first.
(vii) Fewer than 2,500 cycles-since-new (CSN)	6,500 CSN.

(2) For engines installed in Bombardier Canadair BJ airplanes, perform an initial visual inspection and ECI of stage 5 LPT disks and stage 6 LPT disks listed in Figure 3 of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005, before January 1, 2010. Use paragraphs 3.C.(1) through 3.D.(2) and paragraphs 3.E. through 3.E.(6) of Accomplishment Instructions of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005 to do the inspections.

Repetitive Inspections

(g) For engines installed in Bombardier Canadair RJ airplanes with stage 5 LPT disks and stage 6 LPT disks listed in Figure 3 of GE ASB No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005, that were initially visually inspected and ECI'ed before June 1, 2005, do the following:

(1) Perform repetitive visual inspections and ECIs within every 3,100 cycles-since-last-inspection (CSLI), until the life limit of the disk is reached.

(2) Use paragraphs 3.C.(1) through 3.D.(2) and paragraphs 3.E. through 3.E.(6) of Accomplishment Instructions of GE ASB No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005 to do the inspections.

(h) For engines installed in Bombardier Canadair BJ airplanes, with stage 5 LPT disks and stage 6 LPT disks initially inspected as specified in paragraph (f)(2) of this AD, do the following:

(1) Perform repetitive visual inspections and ECIs within every 3,100 CSLI, until the life limit of the disk is reached.

(2) Use paragraphs 3.C.(1) through 3.D.(2) and paragraphs 3.E. through 3.E.(6) of Accomplishment Instructions of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005, to do the inspections.

Disks That Pass Inspection

(i) Reinstall disks that pass the inspections in paragraphs (f), (g), and (h) of this AD into the same LPT module from which they were removed.

Stage 5 and Stage 6 LPT Disk Removal

(j) Remove any disk from service if there is an arc-out found on that disk.

(k) At the next piece-part exposure for engines installed in Bombardier Canadair RJ airplanes, remove from service stage 5 LPT disks and stage 6 LPT disks listed in Figure 4 of GE ASB No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005.

(l) At the next piece-part exposure for engines installed in Bombardier Canadair BJ airplanes, remove from service stage 5 LPT disks and stage 6 LPT disks listed in Figure 4 of GE ASB No. CF34–BJ S/B 72–A0148 Revision 02, dated May 24, 2005.

Optional Terminating Action

(m) Replacement of an affected stage 5 LPT disk or affected stage 6 LPT disk, with a disk not listed in Figure 3 or Figure 4 of GE ASB No. CF34–AL S/B 72–A0173 Revision 05, dated May 24, 2005 or not listed in Figure 3 or Figure 4 of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005 is terminating action to the repetitive inspections and removals required by this AD for that disk.

Terminating Action

(n) As terminating action to the repetitive inspections and removals in this AD, replace all disks by January 1, 2013 that are listed in Figure 3 and Figure 4 of GE ASB No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005, and that are listed in Figure 3 and Figure 4 of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005.

Actions Completed per Previous Releases of Alert Service Bulletins

(o) Actions completed before the effective date of this AD using GE ASB No. CF34–AL S/B 72–A0173, dated April 2, 2004; or Revision 01, dated May 20, 2004; or Revision 02, dated June 22, 2004; or Revision 03, dated July 20, 2004; or Revision 04, dated February 7, 2005; or GE ASB No. CF34–BJ S/B 72–A0148, dated September 2, 2004; or Revision 01, dated March 10, 2005, are considered acceptable for compliance with the corresponding action in this AD.

Serviceable LPT Disk Definition

(p) For the purpose of this AD, a serviceable LPT disk is a disk not listed in Figure 3 or Figure 4 of GE ASB No. CF34–AL S/B 72–A0173, Revision 05, dated May 24, 2005, or Figure 3 or Figure 4 of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005.

Piece-Part Exposure Definitions

(q) For the purpose of this AD, the definition of piece-part exposure for the stage 5 LPT disk is when the disk is separated from the forward and aft bolted joints.

(r) For the purpose of this AD, the definition of piece-part exposure for the stage 6 LPT disk is when the disk is separated from the forward bolted joint.

Replacement Engine or Replacement LPT Module Definition

(s) For the purpose of this AD, the definition of a replacement engine or replacement LPT module is an engine or LPT module that does not have installed any of the suspect disks listed in Figure 3 or Figure 4 of GE ASB No. CF34–AL S/B 72–A0173 Revision 05, dated May 24, 2005, or Figure 3 or Figure 4 of GE ASB No. CF34–BJ S/B 72–A0148, Revision 02, dated May 24, 2005.

Alternative Methods of Compliance

(t) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(u) GE ASB No. CF34–AL S/B 72–A0178 and ASB No. CF34–BJ S/B 72–A0152 contain the information necessary to identify and inspect the suspect disks that are the subject of this AD.

Material Incorporated by Reference

(v) You must use the General Electric Company service information specified in Table 2 of this AD to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 2 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact GE Aircraft Engines, 1000 Western Avenue, Lynn, MA 01910; Attention: CF34 Product Support Engineering, Mail Zone: 34017; telephone (781) 594–6323; fax (781) 594–0600, 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., Nassif Building, Room PL–401, Washington, DC 20590–0001, 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 NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 2.—INCORPORATION BY REFERENCE

Alert Service Bulletin No.	Page	Revision	Date
CF34–AL S/B 72–A0173, Total Pages: 37	ALL	05	May 24, 2005.
CF34–BJ S/B 72–A0148, Total Pages: 39	ALL	02	May 24, 2005.

Issued in Burlington, Massachusetts, on February 14, 2006.

Ann C. Mollica,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 06–1594 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–23375; Airspace Docket No. 05–ACE–35]

Modification of Class E Airspace; Beatrice, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Beatrice, NE.

DATES: *Effective Date:* 0901 UTC, April 13, 2006.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 5, 2006 (71 FR 537). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 13, 2006. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on February 7, 2006.

Elizabeth S. Wallis,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 06–1644 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2006–0007]

RIN 0651–AC02

Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Interim rule.

SUMMARY: The United States Patent and Trademark Office (Office) is revising the rules of practice relating to the filing date requirements for *ex parte* and *inter partes* reexamination proceedings for consistency with the provisions of the patent statute governing *ex parte* and *inter partes* reexamination proceedings. The Office is specifically revising the rules to require that a request for *ex parte* reexamination or for *inter partes* reexamination must meet all the applicable statutory requirements before a filing date is accorded to the request for *ex parte* reexamination or for *inter partes* reexamination.

DATES: *Effective Date:* March 27, 2006.

Comment Deadline Date: To be ensured of consideration, written comments must be received on or before April 24, 2006. No public hearing will be held.

ADDRESSES: Comments should be sent by electronic mail message over the Internet addressed to: *ac2/comments@uspto.gov.* Comments may also be submitted by mail addressed to: Box Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313–1450, or by facsimile transmission to (571) 273–7710 marked to the attention of Kenneth M. Schor. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office prefers that the comments be submitted on a DOS formatted 3½ inch disk accompanied by a paper copy.

Comments may also be sent by electronic mail message over the Internet via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (*http://www.regulations.gov*) for additional instructions on providing comments via the Federal eRulemaking Portal.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the Office Internet Web site (address: *http://www.uspto.gov*). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: By telephone—Kenneth M. Schor, at (571) 272–7710 or Robert J. Spar at (571) 272–7700; by mail addressed to U.S. Patent and Trademark Office, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Kenneth M. Schor; by facsimile transmission to (571) 273–7710 marked to the attention of Kenneth M. Schor; or by electronic mail message over the Internet addressed to *kenneth.schor@uspto.gov.*

SUPPLEMENTARY INFORMATION: The Office is revising the rules of practice in title 37 of the Code of Federal Regulations (CFR) to require that a request for *ex parte* reexamination or for *inter partes* reexamination must meet all the applicable statutory requirements in 35 U.S.C. 302 or 311 before a filing date is accorded to the request for *ex parte* reexamination or for *inter partes* reexamination. Thus, the Office is amending the rules to clearly require compliance with all the requirements of filing an *ex parte* reexamination request (set forth in 37 CFR 1.510(b)) before a filing date will be assigned to an *ex parte* reexamination request, and to clearly require compliance with all the requirements of filing an *inter partes* reexamination request (set forth in 37 CFR 1.915(b)) before a filing date will be assigned to an *inter partes* reexamination request.

Section 1.510 sets forth the requirements for the content of a request for *ex parte* reexamination. Section 1.915 sets forth the requirements for the content of a request for *inter partes* reexamination.

Former § 1.510(d) states that the filing date of a request for *ex parte* reexamination is ''(1) The date on which the request including the entire fee for requesting reexamination is received in the Patent and Trademark Office; or (2) The date on which the last portion of the fee for requesting reexamination is received'' (emphasis added). In like manner, former § 1.919(a) states that ''[t]he filing date of a request for *inter partes* reexamination is the date on which the request satisfies the fee requirement of § 1.915(a)'' (emphasis added). Given the former rule language, it may have appeared that compliance with the provisions of § 1.510(b) or

§ 1.915(b) is not required for obtaining a filing date in reexamination. However, 35 U.S.C. 302 (for *ex parte* reexamination) requires that ''[t]he request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested.'' Likewise, 35 U.S.C. 311(b) (for *inter partes* reexamination) requires that the request must ''include the identity of the real party in interest'' and ''set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested.'' Reexamination requesters do not always comply with these statutory requirements when submitting requests for reexamination. Furthermore, the information missing due to a lack of compliance with § 1.510(b) or § 1.915(b) is often relevant to the decision on whether to grant the request for reexamination. This presents a difficulty for the Office in view of the statutory requirements of 35 U.S.C. 303 (for *ex parte* reexamination) and 35 U.S.C. 312 (for *inter partes* reexamination) that the decision on the request must be issued within three months of the filing date of the request for reexamination because the process of notifying the requester of non-compliance and obtaining the missing information may very well extend beyond the three-month statutory deadline, or the information may be provided so close to the deadline that there is not sufficient time to properly evaluate it.

To address this problem, §§ 1.510(c) and (d) are revised to clearly require compliance with all the requirements of §§ 1.510(a) and (b) in order to obtain an *ex parte* reexamination filing date (and a decision on the request for reexamination). Likewise, § 1.919(a) is revised to clearly require compliance with all the requirements of § 1.915 in order to obtain an *inter partes* reexamination filing date. This revision should not have a significant impact on reexamination requesters because the filing date in a reexamination proceeding does not have the same legal significance as the filing date in other Office patent proceedings (*cf.* 35 U.S.C. 102(b)). The rules now simply clearly recite that the statutory requirements for a request for reexamination must be fulfilled before a filing date will be assigned. *See* 35 U.S.C. 302 and 35 U.S.C. 311.

Section-by-Section Discussion

Section 1.510: Section 1.510(c) is revised to provide that if a request for *ex parte* reexamination does not (1) include the fee for requesting *ex parte* reexamination and (2) comply with all the requirements of § 1.510(b), then the person identified as requesting reexamination will be notified and will generally be given an opportunity to complete the request within a specified time. If the request is not completed within the time specified, the request will not be granted a filing date and no decision on the request will be made. The request may be placed in the patent file as a citation if it complies with the requirements of § 1.501. Deleted from former § 1.510(c) is the sentence: ''If the fee for requesting reexamination has been paid but the defect in the request is not corrected within the specified time, the determination whether or not to institute reexamination will be made on the request as it then exists.''

Section 1.510(c) states that the requester will ''generally'' be given an opportunity to complete the request, because, in some instances, it may not be practical or even possible to provide an opportunity for completion of the request. For example, the request might be submitted anonymously (though such is not proper), or without an address, or with an inoperative address. In such instances, the requester would be notified of the incomplete request by publication in the *Official Gazette,* but an opportunity to complete the request would not be provided.

Section 1.510(d) is revised to provide that the filing date of the request for an *ex parte* reexamination request is the date on which the request satisfies all the requirements of §§ 1.510(a) and (b). Until that point, the request for reexamination is not complete.

Section 1.915: Section 1.915(d) is revised to provide that if a request for *inter partes* reexamination does not (1) include the fee for requesting *inter partes* reexamination and (2) comply with all the requirements of § 1.915(b), then the person identified as requesting reexamination will be notified and will generally be given an opportunity to complete the request within a specified time. If the request is not completed within the time specified, the request will not be granted a filing date and no decision on the request will be made.

Section 1.915(d) states that the requester will ''generally'' be given an opportunity to complete the request, because, in some instances, it may not be practical or even possible to provide an opportunity for completion of the request (see discussion of § 1.510(c)).

Section 1.915(d) stated, prior to the change made via the present rule making, that the reexamination proceeding may be vacated under this circumstance. Based on the revision to § 1.919(a) set forth immediately below, however, the *inter partes* request will not be granted a filing date under this circumstance; thus, there will be no reexamination proceeding to vacate.

Section 1.919: Section 1.919(a) is revised to require that the request for *inter partes* reexamination must satisfy all the requirements for the request set forth in § 1.915, prior to assignment of a filing date. Until that point, the request for reexamination is not complete.

Rule Making Considerations

Administrative Procedure Act: The changes in this interim rule merely revise the rules of practice (37 CFR 1.510 and 1.915) to require that a request for *ex parte* reexamination or for *inter partes* reexamination meets the requirements in 35 U.S.C. 302 and 311 for a request for *ex parte* reexamination or for *inter partes* reexamination before a filing date is accorded to the request for *ex parte* reexamination or for *inter partes* reexamination. Therefore, these rule changes involve interpretive rules, or rules of agency practice and procedure under 5 U.S.C. 553(b)(A), and prior notice and an opportunity for public comment were not required pursuant to 5 U.S.C. 553(b)(A) (or any other law). *See Bachow Communications Inc.* v. *FCC,* 237 F.3d 683, 690 (DC Cir. 2001) (rules governing an application process are ''rules of agency organization, procedure, or practice'' and are exempt from the Administrative Procedure Act's notice and comment requirement); *see also Merck & Co., Inc.* v. *Kessler,* 80 F.3d 1543, 1549–50, 38 USPQ2d 1347, 1351 (Fed. Cir. 1996) (the rules of practice promulgated under the authority of former 35 U.S.C. 6(a) (now in 35 U.S.C. 2(b)(2)) are not substantive rules (to which the notice and comment requirements of the Administrative Procedure Act apply)), and *Fressola* v. *Manbeck,* 36 USPQ2d 1211, 1215 (D.D.C. 1995) (''it is doubtful whether any of the rules formulated to govern patent and trade-mark practice are other than 'interpretative rules, general statements of policy, * * * procedure, or practice.' '') (quoting C.W. Ooms, *The United States Patent Office and the Administrative Procedure Act,* 38 Trademark Rep. 149, 153 (1948)). Accordingly, prior notice and an opportunity for public comment were not required pursuant to 5 U.S.C. 553(b)(A) (or any other law).

Regulatory Flexibility Act: As discussed previously, the changes in this interim rule involve rules of agency practice and procedure under 5 U.S.C. 553(b)(A), and prior notice and an opportunity for public comment were not required pursuant to 5 U.S.C.

553(b)(A) (or any other law). As prior notice and an opportunity for public comment were not required pursuant to 5 U.S.C. 553 (or any other law) for the changes in this interim rule, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required for the changes in this interim rule. *See* 5 U.S.C. 603.

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

Executive Order 12866: This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993).

Paperwork Reduction Act: This interim rule involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this interim rule has been reviewed and previously approved by OMB under OMB control number 0651–0033. The United States Patent and Trademark Office is not resubmitting any information collection to OMB for its review and approval because the changes in this interim rule do not affect the information collection requirements associated with the information collection under OMB control number 0651–0033. The principal impacts of the changes in this interim rule are to clarify the requirement for compliance with all the requirements of filing a reexamination before a filing date will be assigned to a reexamination.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden to: (1) The Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Patent and Trademark Office; and (2) Robert J. Spar, Director, Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313–1450.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small Businesses, and Biologics.

■ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.510 is amended by revising paragraphs (c) and (d) to read as follows:

§ 1.510 Request for *ex parte* reexamination.

* * * * *

(c) If the request does not include the fee for requesting *ex parte* reexamination required by paragraph (a) of this section and all of the parts required by paragraph (b) of this section, then the person identified as requesting reexamination will be so notified and will generally be given an opportunity to complete the request within a specified time. Failure to comply with the notice will result in the *ex parte* reexamination request not being granted a filing date, and will result in placement of the request in the patent file as a citation if it complies with the requirements of § 1.501.

(d) The filing date of the request for *ex parte* reexamination is the date on which the request satisfies all the requirements of paragraphs (a) and (b) of this section.

* * * * *

■ 3. Section 1.915 is amended by revising paragraph (d) as follows:

§ 1.915 Content of request for *inter partes* reexamination.

* * * * *

(d) If the *inter partes* request does not meet all the requirements of subsection 1.915(b), the person identified as requesting *inter partes* reexamination will be so notified and will generally be given an opportunity to complete the formal requirements of the request within a specified time. Failure to comply with the notice will result in the *inter partes* reexamination request not being granted a filing date.

■ 4. Section 1.919 is amended by revising paragraph (a) to read as follows:

§ 1.919 Filing date of request for *inter partes* reexamination.

(a) The filing date of a request for *inter partes* reexamination is the date on which the request satisfies all the requirements for the request set forth in § 1.915.

* * * * *

Dated: February 16, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 06–1678 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–16–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 302–17

[FTR Amendment 2006–01; FTR Case 2006–301]

RIN 3090–AI22

Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables—2006 Update

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: The Federal, State, and Puerto Rico tax tables for calculating the relocation income tax (RIT) allowance are being updated to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates. The Federal, State, and Puerto Rico tax tables contained in this rule are for calculating the 2006 RIT allowance to be paid to relocating Federal employees.

DATES: *Effective Date:* This final rule was effective on January 1, 2006.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat (VIR), Room 4035, GSA Building, Washington, DC 20405, telephone (202) 208–7312, for information pertaining to status or publication schedules. For clarification of content, contact Patrick McConnell, Office of Governmentwide Policy, Travel Management Policy (MTT), Washington, DC 20405, telephone (202) 501–2362. Please cite FTR Amendment 2006–01, FTR case 2006–301.

SUPPLEMENTARY INFORMATION:

A. Background

Section 5724b of Title 5, United States Code, provides for reimbursement of substantially all Federal, State, and local income taxes incurred by a transferred Federal employee on taxable moving expense reimbursements. Policies and procedures for the calculation and

payment of the RIT allowance are contained in the Federal Travel Regulation (41 CFR Part 302–17). The Federal, State, and Puerto Rico tax tables for calculating RIT allowance payments are updated yearly to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates.

This amendment provides the tax tables necessary to compute the RIT allowance for employees who are taxed in 2005 on moving expense reimbursements.

B. Executive Order 12866

The General Services Administration (GSA) has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 302–17

Government employees, Income taxes, Relocation allowances and entitlements, Transfers, Travel and transportation expenses.

Dated: February 9, 2006.

David L. Bibb,

Acting Administrator of General Services.

■ For the reasons set forth in the preamble, under 5 U.S.C. 5738, GSA amends 41 CFR part 302–17 as set forth below:

PART 302–17—RELOCATION INCOME TAX (RIT) ALLOWANCE

■ 1. The authority citation for 41 CFR part 302–17 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

■ 2. Revise Appendixes A, B, C, and D to Part 302–17 to read as follows:

Appendix A to Part 302–17 Federal Tax Tables for RIT Allowance

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 2005

[The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in § 302–17.8(e)(1). This table is to be used for employees in which their Year 1 occurred during calendar year 2005.]

Marginal tax rate	Single taxpayer		Head of household		Married filing jointly/qualifying widows & widowers		Married filing separately	
Percent	Over	But not over	Over	But not over	Over	But not over	Over	But not over
10	$8,712	$16,201	$15,989	$26,630	$23,519	$37,568	$10,897	$18,242
15	16,201	39,898	26,630	58,079	37,568	84,110	18,242	42,410
25	39,898	85,748	58,079	125,252	84,110	150,301	42,410	76,165
28	85,748	169,230	125,252	195,589	150,301	216,710	76,165	109,970
33	169,230	348,318	195,589	360,009	216,710	360,571	109,970	182,419
35	348,318	.....	360,009	.....	360,571	.....	182,419	.....

Appendix B to Part 302–17—State Tax Tables for RIT Allowance

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 2005

[The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302–17.8(e)(2). This table is to be used as a guide for employees who received covered taxable reimbursements during calendar year 2005. The rates shown below are for married filing jointly and if the state has a specific single rate, it is shown. For more specific information or if an employee is in a different filing status, please see the 2006 State Tax Handbook, pp. 258–274, CCH Inc., *http://tax.cchgroup.com/Books/default.*]

	Marginal tax rates (stated in percents) for the earned income amounts specified in each column.[1 2 3]			
State (or District)	$20,000–24,999	$25,000–49,999	$50,000–74,999	$75,000 & over[4]
Alabama	5.00	5.00	5.00	5.00
Alaska	0.00	0.00	0.00	0.00
Arizona	3.20	3.20	3.74	3.74
If single status, married filing separately[5]	3.20	3.74	4.72	4.72
Arkansas	6.00	7.00	7.00	7.00
California	2.00	6.00	8.00	9.30
If single status, married filing separately[5]	6.00	9.30	9.30	9.30
Colorado	4.63	4.63	4.63	4.63
Connecticut	5.00	5.00	5.00	5.00
Delaware	5.20	5.55	5.95	5.95
District of Columbia	7.50	9.00	9.00	9.00
Florida	0.00	0.00	0.00	0.00
Georgia	6.00	6.00	6.00	6.00
Hawaii	6.80	7.60	7.90	8.25
If single status, married filing separately[5]	7.60	7.90	8.25	8.25

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 2005—Continued

[The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302–17.8(e)(2). This table is to be used as a guide for employees who received covered taxable reimbursements during calendar year 2005. The rates shown below are for married filing jointly and if the state has a specific single rate, it is shown. For more specific information or if an employee is in a different filing status, please see the 2006 State Tax Handbook, pp. 258–274, CCH Inc., *http://tax.cchgroup.com/Books/default.*]

Marginal tax rates (stated in percents) for the earned income amounts specified in each column.[1 2 3]				
State (or District)	$20,000–24,999	$25,000–49,999	$50,000–74,999	$75,000 & over[4]
Idaho	7.40	7.80	7.80	7.80
If single status, married filing separately[5]	7.80	7.80	7.80	7.80
Illinois	3.00	3.00	3.00	3.00
Indiana	3.40	3.40	3.40	3.40
Iowa	6.48	7.92	8.98	8.98
Kansas	3.50	6.25	6.45	6.45
If single status, married filing separately[5]	6.25	6.45	6.45	6.45
Kentucky	5.80	5.80	5.80	6.00
Louisiana	2.00	4.00	6.00	6.00
If single status, married filing separately[5]	4.00	6.00	6.00	6.00
Maine	7.00	8.50	8.50	8.50
If single status, married filing separately[5]	8.50	8.50	8.50	8.50
Maryland	4.75	4.75	4.75	4.75
Massachusetts	5.30	5.30	5.30	5.30
Michigan	3.90	3.90	3.90	3.90
Minnesota	5.35	7.05	7.05	7.05
If single status, married filing separately[5]	7.05	7.05	7.85	7.85
Mississippi	5.00	5.00	5.00	5.00
Missouri	6.00	6.00	6.00	6.00
Montana	6.90	6.90	6.90	6.90
Nebraska	3.57	6.84	6.84	6.84
If single status, married filing separately[5]	5.12	6.84	6.84	6.84
Nevada	0.00	0.00	0.00	0.00
New Hampshire	0.00	0.00	0.00	0.00
New Jersey	1.75	1.75	3.50	5.525
If single status, married filing separately[5]	1.75	5.525	5.525	6.370
New Mexico	6.00	6.00	6.00	6.00
New York	5.25	6.85	6.85	6.85
If single status, married filing separately[5]	6.85	6.85	6.85	6.85
North Carolina	7.00	7.00	7.00	7.00
If single status, married filing separately[5]	7.00	7.00	7.75	7.75
North Dakota	2.10	2.10	3.92	3.92
If single status, married filing separately[5]	2.10	3.92	4.34	4.34
Ohio	4.27	4.983	4.983	5.693
Oklahoma[6]	6.65	6.65	6.65	6.65
Oregon	9.00	9.00	9.00	9.00
Pennsylvania	3.07	3.07	3.07	3.07
Rhode Island[7]	25.00	25.00	25.00	25.00
South Carolina	7.00	7.00	7.00	7.00
South Dakota	0.00	0.00	0.00	0.00
Tennessee	0.00	0.00	0.00	0.00
Texas	0.00	0.00	0.00	0.00
Utah	7.00	7.00	7.00	7.00
Vermont	3.60	3.60	7.20	7.20
If single status, married filing separately[5]	3.60	7.20	8.50	8.50
Virginia	5.75	5.75	5.75	5.75
Washington	0.00	0.00	0.00	0.00
West Virginia	4.00	6.00	6.50	6.50
Wisconsin	6.50	6.50	6.50	6.50
Wyoming	0.00	0.00	0.00	0.00

(The above table/column headings established by IRS.)

[1] Earned income amounts that fall between the income brackets shown in this table (*e.g.*, $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in § 302–17.8(e)(2)(ii).

[3] If two or more marginal tax rates of a State overlap an income bracket shown in this table, then the highest of the two or more State marginal tax rates is shown for that entire income bracket. For more specific information, see the 2006 State Tax Handbook, pp. 258–274, CCH, Inc., *http://tax.cchgroup.com/Books/default.*

[4] This is an estimate. For earnings over $100,000, and for filing statuses other than those above, please consult actual tax tables. See 2006 State Tax Handbook, pp. 258–274, CCH, Inc., *http://tax.cchgroup.com/Books/default.*

[5] This rate applies only to those individuals certifying that they will file under a single or married filing separately status within the states where they will pay income taxes.

[6] The 2005 personal income tax rates shown here for Oklahoma follow Method 1 only. For information on Method 2, see the 2006 State Tax Handbook, pp. 258–274, CCH, Inc., *http://tax.cchgroup.com/Books/default.*

[7] The income tax rate for Rhode Island is 25 percent of Federal income tax rates, including capital gains rates and any another other special rates for other types of income. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–17.8(e)(2)(iii).

Appendix C to Part 302–17—Federal Tax Tables for RIT Allowance—Year 2

ESTIMATED RANGES OF WAGE AND SALARY INCOME CORRESPONDING TO FEDERAL STATUTORY MARGINAL INCOME TAX RATES BY FILING STATUS IN 2006

[The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in § 302–17.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 or 2005.]

Marginal tax rate	Single taxpayer		Head of household		Married filing jointly/qualifying widows & widowers		Married filing separately	
Percent	Over	But not over	Over	But not over	Over	But not over	Over	But not over
10	$8,739	$16,560	$16,538	$27,374	$24,163	$38,534	$12,036	$19,194
15	16,560	41,041	27,374	59,526	38,534	86,182	19,194	43,330
25	41,041	88,541	59,526	128,605	86,182	154,786	43,330	79,441
28	88,541	175,222	128,605	203,511	154,786	224,818	79,441	114,716
33	175,222	360,212	203,511	375,305	224,818	374,173	114,716	188,184
35	360,212		375,305		374,173		188,184	

Appendix D to Part 302–17—Puerto Rico Tax Tables for RIT Allowance

PUERTO RICO MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 2005

[The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in § 302–17.8(e)(4)(i).]

Marginal tax rate	For married person living with spouse and filing jointly, married person not living with spouse, single person, or head of household		For married person living with spouse and filing separately	
Percent	Over	But not over	Over	But not over
10	$2,000	$17,000	$1,000	$8,500
15	17,000	30,000	8,500	15,000
28	30,000	50,000	15,000	25,000
33	50,000		25,000	

Source: Individual Income Tax Return 2005—Long Form; Commonwealth of Puerto Rico, Department of the Treasury, P.O. Box 9022501, San Juan, PR 00902–2501; *http://www.hacienda.gobierno.pr/planillas_individuo.asp.*

[FR Doc. 06–1677 Filed 2–22–06; 8:45 am]

BILLING CODE 6820–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 0

[DA 06–101]

Freedom of Information Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is modifying a section of the Commission's rules that implement the Freedom of Information Act (FOIA) Fee Schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Shoko B. Hair, Freedom of Information Act Public Liaison, Office of Performance Evaluation and Records Management, Room 1–A827, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418–1379 or via Internet at *shoko.hair@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Federal Communications Commission is modifying § 0.467(a) of the Commission's rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires Federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level based on the General Schedule effective January 1987 (including 20 percent for personnel benefits). The Commission's rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. *See* 47 CFR 0.467(a)(1) note. In an Order adopted on January 30, 2006 and released on February 6, 2006 (DA 06–101), the Managing Director revised the schedule of fees set forth in 47 CFR 0.467 for the recovery of the full, allowable direct

costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission's rules, 47 CFR 0.460, 0.461. The revisions correspond to modifications in the rate of pay, which was approved by Congress.

These modifications to the Fee Schedule do not require notice and comment because they merely update the Fee Schedule to correspond to modifications in rates of pay, as required under the current rules. 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 rules are a matter of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

Accordingly, pursuant to the authority contained in § 0.231(b) of the Commission's rules, 47 CFR 0.231 (b), *it is hereby ordered*, that, effective on February 23, 2006, the Fee Schedule contained in § 0.467 of the Commission's rules, 47 CFR 0.467, is amended, as described herein.

List of Subjects in 47 CFR Part 0

Freedom of information.

Federal Communications Commission.

Andrew S. Fishel,

Managing Director.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 155, unless otherwise noted.

■ 2. Section 0.467 is amended by revising the table following paragraph (a)(1) and its note, and by revising paragraph (a)(2) to read as follows:

§ 0.467 Search and review fees.

(a)(1) * * *

Grade	Hourly fee
GS–1	$12.52
GS–2	13.63
GS–3	15.36
GS–4	17.24
GS–5	19.30
GS–6	21.50
GS–7	23.89
GS–8	26.46
GS–9	29.23
GS–10	32.18
GS–11	35.36
GS–12	42.38
GS–13	50.40
GS–14	59.57
GS–15	70.07

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2006 and include 20 percent for personnel benefits.

* * * * *

[FR Doc. 06–1651 Filed 2–22–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–269; MB Docket No. 04–433, RM–11122]

Radio Broadcasting Services; Grand Portage, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Cook County Broadcasting of Minnesota, allots Channel 224C at Grand Portage, Minnesota, as the community's second local FM service. Channel 224C can be allotted to Grand Portage, Minnesota, in compliance with the Commission's minimum distance separation requirements at city reference coordinates without site restriction. The coordinates for Channel 224C at Grand Portage, Minnesota, are 47–57–50 North Latitude and 89–41–05 West Longitude. The Government of Canada has concurred in this allotment, which is located within 320 kilometers (199 miles) of the U.S.-Canadian border.

DATES: *Effective Date:* March 23, 2006.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 04–433, adopted February 2, 2006, and released February 6, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com*. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by adding Channel 224C at Grand Portage.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 06–1671 Filed 2–22–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–270, MB Docket No. 03–44, RM–10650]

Radio Broadcasting Services; Noyack and Water Mill, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The staff grants a rulemaking petition filed by Isabel Sepulveda, Inc. but allots alternate Channel 233A in lieu of Channel 277A at Water Mill, New York, as the community's first local aural service. The reference coordinates for Channel 233A at Water Mill are 40–54–39 NL and 72–20–29 WL. *See* 68 FR 10682 (March 6, 2003). With this action, the proceeding is terminated.

DATES: *Effective Date:* March 23, 2006.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 03–44, adopted February 2, 2006, and released

February 6, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will send a copy of the Report and Order in this proceeding in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Water Mill, Channel 233A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 06–1672 Filed 2–22–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–265; MB Docket No. 05–142, RM–11220]

Radio Broadcasting Services; Roma, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Charles Crawford, allots Channel 278A at Roma, Texas, as the community's second local FM service. Channel 278A can be allotted to Roma, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.0 kilometers (6.2 miles) east of Roma. The coordinates for Channel 278A at Roma, Texas, are 26–26–05 North Latitude and 98–55–16 West Longitude.

DATES: *Effective Date:* March 27, 2006.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05–142, adopted February 8, 2006, and released February 10, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, (800) 378–3160, or via the company's Web site, *www.bcpiweb.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 278A at Roma.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 06–1673 Filed 2–22–06; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 204

[DFARS Case 2003–D084]

Defense Federal Acquisition Regulation Supplement; Administrative Matters

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text addressing administrative matters related to contract placement. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2003–D084.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The rule:

• Deletes administrative procedures for DoD signature of contract documents at DFARS 204.101. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

• Deletes unnecessary cross-references at DFARS 204.402(1) and 204.902(b).

• Deletes text on security requirements and IRS reporting requirements at DFARS 204.402(2) and 204.904, respectively, as these requirements are adequately addressed in the FAR or elsewhere in the DFARS.

DoD published a proposed rule at 70 FR 19037 on April 12, 2005. DoD received comments from one respondent. The respondent agreed with the proposed change to DFARS 204.101, Contracting officer's signature, and the deletion of DFARS 204.904, Reporting payment information to the IRS. However, the respondent disagreed with deletion of the text at DFARS 204.402 addressing the contractor's obligations regarding the protection of a DoD employee's work product. The respondent stated that deletion of this text could lead contractor personnel to believe that a contractor's procedures trump the security requirements of a DoD employee. DoD does not believe that deletion of the text at DFARS 204.402 will present such a problem, because the clause at DFARS 252.204–7003, Control of Government Personnel Work Product, contains similar text, and that clause is included in all solicitations and contracts in accordance with DFARS 204.404–70(b). Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule updates and streamlines DFARS text, but makes no significant change to DoD contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 204

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 204 is amended as follows:

■ 1. The authority citation for 48 CFR part 204 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

■ 2. Section 204.101 is revised to read as follows:

204.101 Contracting officer's signature.

Follow the procedures at PGI 204.101 for signature of contract documents.

■ 3. Section 204.402 is revised to read as follows:

204.402 General.

DoD employees or members of the Armed Forces who are assigned to or visiting a contractor facility and are engaged in oversight of an acquisition program will retain control of their work products, both classified and unclassified.

204.902 [Amended]

■ 4. Section 204.902 is amended in paragraph (b) by removing the parenthetical ''(see 204.670)''.

204.904 [Removed]

■ 5. Section 204.904 is removed.

[FR Doc. 06–1634 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 204

[DFARS Case 2003–D082]

Defense Federal Acquisition Regulation Supplement; Uniform Contract Line Item Numbering

AGENCY: Defense Acquisition Regulation System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text addressing uniform line item numbering in DoD contracts. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Tronic, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0289; facsimile (703) 602–0350. Please cite DFARS Case 2003–D082.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The rule:

• Eliminates certain exceptions to requirements for uniform contract line item numbering at DFARS 204.7102, to promote standardization in contract writing; and

• Deletes procedures for use and numbering of contract exhibits and attachments at DFARS 204.7105. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information, available at *http://www.acq.osd.mil/dpap/dars/pgi.*

DoD published a proposed rule at 70 FR 19036 on April 12, 2005. Two respondents submitted comments on the proposed rule. A discussion of the comments follows:

1. *Comment:* DoD should not eliminate the option of using exhibits and attachments, as these are useful tools for the contracting officer.

DoD Response: The rule does not eliminate the use of exhibits and attachments. They are still permitted and are addressed in Subpart 204.71 of the DFARS companion resource, Procedures, Guidance, and Information.

2. *Comment:* DoD should add guidance on the structuring of contract line items and subline items under performance-based contracts.

DoD Response: The recommendation is considered to be outside the scope of this DFARS case. Therefore, DoD has made no change to the rule as a result of this comment.

DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule pertains only to DoD administrative procedures for numbering of contract line items, exhibits, and attachments.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 204

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Part 204 is amended as follows:

■ 1. The authority citation for 48 CFR Part 204 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

■ 2. Section 204.7102 is revised to read as follows:

204.7102 Policy.

(a) The numbering procedures of this subpart shall apply to all—

(1) Solicitations;

(2) Solicitation line and subline item numbers;

(3) Contracts as defined in FAR Subpart 2.1;

(4) Contract line and subline item numbers;

(5) Exhibits;

(6) Exhibit line and subline items; and

(7) Any other document expected to become part of the contract.

(b) The numbering procedures are mandatory for all contracts where separate contract line item numbers are assigned, unless—

(1) The contract is an indefinite-delivery type for petroleum products against which posts, camps, and stations issue delivery orders for products to be consumed by them; or

(2) The contract is a communications service authorization issued by the Defense Information Systems Agency's Defense Information Technology Contracting Organization.

■ 3. Section 204.7105 is revised to read as follows:

204.7105 Contract exhibits and attachments.

Follow the procedures at PGI 204.7105 for use and numbering of contract exhibits and attachments.

[FR Doc. 06–1630 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 212

Defense Federal Acquisition Regulation Supplement; Technical Amendment

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making a technical amendment to the Defense Federal Acquisition Regulation Supplement (DFARS) to update a cross-reference within the DFARS text.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Part 212

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 212 is amended as follows:

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 1. The authority citation for 48 CFR part 212 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

212.301 [Amended]

■ 2. Section 212.301 is amended in paragraph (f)(ii), in the second sentence, by removing ''(see 225.770–3)'' and adding in its place ''(see 225.670–3)''.

[FR Doc. 06–1639 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 225 and 252

RIN 0750–AF29

Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds and Morocco Free Trade Agreement (DFARS Case 2005–D017)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to incorporate increased thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative. The rule also implements a new Free Trade Agreement with Morocco and amends the list of end products that are subject to trade agreements.

DATES: *Effective Date:* February 23, 2006.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before April 24, 2006, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2005–D017, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2005–D017 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends the clause prescriptions at DFARS 225.1101 and 225.7503 to reflect increased thresholds for application of the trade agreements. Every 2 years, the trade agreements thresholds are escalated according to a pre-determined formula set forth in the agreements. The United States Trade Representative has specified the following thresholds (70 FR 73510, December 12, 2005):

Trade agreement	Supply contract (equal to or exceeding)	Service contract (equal to or exceeding)	Construction contract (equal to or exceeding)
World Trade Organization Government Procurement Agreement	$193,000	$193,000	$7,407,000
Free Trade Agreements (FTA):			
Australia FTA	64,786	64,786	7,407,000
Chile FTA	64,786	64,786	7,407,000
Morocco FTA	193,000	193,000	7,407,000
Singapore FTA	64,786	64,786	7,407,000
NAFTA:			
—Canada	25,000	64,786	8,422,165
—Mexico	64,786	64,786	8,422,165

In addition, this interim rule implements a new Free Trade Agreement with Morocco as approved by Congress (Pub. L. 108–302). The Morocco Free Trade Agreement waives the applicability of the Buy American Act for some foreign supplies and construction materials from Morocco, and specifies procurement procedures designed to ensure fairness.

The World Trade Organization Government Procurement Agreement and the other free trade agreements each list the items to which the trade agreements do not apply when acquired by DoD. DFARS 225.401–70 lists the end products that are subject to trade agreements if the value of the acquisition is at or above the applicable dollar threshold. The following items are not excluded for DoD from coverage by the trade agreements and, therefore, have been added to the list at DFARS 225.401–70: Pins, needles, sewing kits, flag staffs, flagpoles, flagstaff trucks, and tobacco products.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the dollar threshold changes are designed to keep pace with inflation and thus maintain the status quo. Although the rule opens up DoD procurement to the products of Morocco, DoD does not believe there will be a significant economic impact on U.S. small businesses. DoD applies the trade agreements to only those non-defense items listed at DFARS 225.401–70, and procurements that are set aside for small businesses are exempt from application of the trade agreements. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2005–D017.

C. Paperwork Reduction Act

This interim rule affects the certification and information collection requirements in the provisions at DFARS 252.225–7020 and 252.225–7035, currently approved under Office of Management and Budget Control Number 0704–0229. However, there is no impact on the estimated burden hours. The dollar threshold changes are in line with inflation and maintain the status quo. Reporting of products from Morocco as Free Trade Agreement end products rather than other foreign end products has no impact on paperwork burden.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule incorporates increased dollar thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative. In addition, the rule implements a new Free Trade Agreement with Morocco, as approved by Congress (Pub. L. 108–302). The Morocco Free Trade Agreement waives the applicability of the Buy American Act for some foreign supplies and construction materials from Morocco and specifies procurement procedures designed to ensure fairness. The increased dollar thresholds and the Morocco Free Trade Agreement became effective on January 1, 2006. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

■ 2. Section 225.401–70 is amended in the table by adding, in numerical order, two new entries to read as follows:

§ 225.401–70 End products subject to trade agreements.

* * * * *

83 Pins, needles, and sewing kits (only part of 8315) and flag staffs, flagpoles, and flagstaff trucks (only part of 8345)

* * * * *

89 Tobacco products (only 8975)

* * * * *

■ 3. Section 225.1101 is amended by revising paragraph (10)(i) to read as follows:

§ 225.1101 Acquisition of supplies.

* * * * *

(10)(i) Use the clause at 252.225–7036, Buy American Act—Free Trade Agreements—Balance of Payments Program, instead of the clause at FAR 52.225–3, Buy American Act—Free Trade Agreements—Israeli Trade Act, in solicitations and contracts for the items listed at 225.401–70, when the estimated value equals or exceeds $25,000, but is less than $193,000, and a Free Trade Agreement applies to the acquisition.

(A) Use the basic clause when the estimated value equals or exceeds $64,786.

(B) Use the clause with its Alternate I when the estimated value equals or exceeds $25,000 but is less than $64,786.

* * * * *

■ 4. Section 225.7503 is revised to read as follows:

§ 225.7503 Contract clauses.

Unless the entire acquisition is exempt from the Balance of Payments Program—

(a) Use the clause at 252.225–7044, Balance of Payments Program—Construction Material, in solicitations and contracts for construction to be performed outside the United States with a value greater than the simplified acquisition threshold but less than $7,407,000.

(b) Use the clause at 252.225–7045, Balance of Payments Program—Construction Material Under Trade Agreements, in solicitations and contracts for construction to be performed outside the United States with a value of $7,407,000 or more. For acquisitions with a value of $7,407,000 or more, but less than $8,422,165, use the clause with its Alternate I.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212–7001 [Amended]

■ 5. Section 252.212–7001 is amended as follows:

■ a. By revising the clause date to read ''(FEB 2006)''; and

■ b. In paragraph (b), in entry ''252.225–7021'', by removing ''(DEC 2005)'' and adding in its place ''(FEB 2006)''.

■ 6. Section 252.225–7021 is amended by revising the clause date and paragraph (a)(3)(ii) to read as follows:

§ 252.225–7021 Trade agreements.

* * * * *

Trade Agreements (FEB 2006)

(a) * * *

(3) * * *

(ii) A Free Trade Agreement country (Australia, Canada, Chile, Mexico, Morocco, or Singapore);

* * * * *

■ 7. Section 252.225–7045 is amended as follows:

■ a. By revising the clause date;

■ b. In paragraph (a), by revising paragraph (2) of the definition of ''Designated country''; and

■ c. By revising Alternate I to read as follows:

§ 252.225–7045 Balance of Payments Program—Construction Material Under Trade Agreements.

* * * * *

Balance of Payments Program—Construction Material Under Trade Agreements (Feb 2006)

(a) * * *

Designated country means—

* * * * *

(2) A Free Trade Agreement country (Australia, Canada, Chile, Mexico, Morocco, or Singapore);

* * * * *

Alternate I (Feb 2006). As prescribed in 225.7503(b), delete the definitions of ''designated country'' and ''designated country construction material'' from the definitions in paragraph (a) of the basic clause, add the following definition of ''Australian, Chilean, or Moroccan construction material'' to paragraph (a) of the basic clause, and substitute the following paragraphs (b) and (c) for paragraphs (b) and (c) of the basic clause:

Australian, Chilean, or Moroccan construction material means a construction material that—

(1) Is wholly the growth, product, or manufacture of Australia, Chile, or Morocco; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Australia, Chile, or Morocco into a new and different construction material distinct from the materials from which it was transformed.

(b) This clause implements the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the WTO GPA and all Free Trade Agreements except NAFTA apply to this acquisition. Therefore, the Balance of Payments Program restrictions are waived for WTO GPA country, Australian, Chilean, or Moroccan, least developed country, or Caribbean Basin country construction material.

(c) The Contractor shall use only domestic, WTO GPA country, Australian, Chilean, or Moroccan, least developed country, or Caribbean Basin country construction material in performing this contract, except for—

(1) Construction material valued at or below the simplified acquisition threshold in Part 2 of the Federal Acquisition Regulation; or

(2) The construction material or components listed by the Government as follows:

[Contracting Officer to list applicable excepted materials or indicate ''none'']

[FR Doc. 06–1635 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 231

[DFARS Case 2004–D026]

Defense Federal Acquisition Regulation Supplement; Business Restructuring Costs—Delegation of Authority To Make Determinations Relating to Payment

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has adopted as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 819 of the National Defense Authorization Act for Fiscal Year 2005. Section 819 contains changes concerning delegation of authority to make determinations relating to payment of defense contractors for business restructuring costs.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Sain, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0293; facsimile (703) 602–0350. Please cite DFARS Case 2004–D026.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 70 FR 43074 on July 26, 2005, to implement section 819 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375). Section 819 amended 10 U.S.C. 2325(a)(2) to permit the Director of the Defense Contract Management Agency to make determinations of savings related to contractor restructuring costs that are expected to be less than $25 million over a 5-year period. In addition, the DFARS rule removed unnecessary references to requirements for certifications for business combinations that occurred before November 1997; and clarified requirements for projected restructuring costs and savings to be computed on a present value basis.

DoD received no comments on the interim rule. Therefore, DoD has adopted the interim rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the cost principle addressed in this rule applies only to DoD contractors that incur restructuring costs for external restructuring activities.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR part 231, which was published at 70 FR 43074 on July 26, 2005, is adopted as a final rule without change.

[FR Doc. 06–1633 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 236

[DFARS Case 2003–D034]

Defense Federal Acquisition Regulation Supplement; Construction Contracting

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to contracting for construction. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0296; facsimile (703) 602–0350. Please cite DFARS Case 2003–D034.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The rule—

- Deletes DFARS text defining and addressing the use of network analysis systems, as this subject is addressed in the United Facilities Guide Specifications used by the military departments in specifying construction requirements; and
- Deletes DFARS text on distribution and use of contractor performance reports, handling of Government estimates of construction costs, use of bid schedules with additive or deductive items, and technical working agreements with foreign governments. Text on these subjects has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

DoD published a proposed rule at 70 FR 35605 on June 21, 2005. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule updates and streamlines DFARS text, but makes no significant change to DoD contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 236

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 236 is amended as follows:

■ 1. The authority citation for 48 CFR part 236 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

236.102 [Amended]

■ 2. Section 236.102 is amended by removing paragraph (4) and redesignating paragraph (5) as paragraph (4).

■ 3. Section 236.201 is amended by revising paragraph (c) to read as follows:

236.201 Evaluation of contractor performance.

* * * * *

(c) Follow the procedures at PGI 236.201(c) for distribution and use of performance reports.

■ 4. Section 236.203 is revised to read as follows:

236.203 Government estimate of construction costs.

Follow the procedures at PGI 236.203 for handling the Government estimate of construction costs.

■ 5. Section 236.213 is revised to read as follows:

236.213 Special procedures for sealed bidding in construction contracting.

If it appears that sufficient funds may not be available for all the desired construction features, consider using a bid schedule with additive or deductive items in accordance with PGI 236.213.

236.213–70 and 236.273 [Removed]

■ 6. Sections 236.213–70 and 236.273 are removed.

236.274 [Redesignated]

■ 7. Section 236.274 is redesignated as section 236.273.

■ 8. Newly designated section 236.273 is amended by revising paragraph (b) to read as follows:

236.273 Construction in foreign countries.

* * * * *

(b) See PGI 236.273(b) for guidance on technical working agreements with foreign governments.

[FR Doc. 06–1631 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 242

[DFARS Case 2003–D050]

Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Reviews

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to Government review of contractor insurance programs, pension plans, and other deferred compensation plans. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: *Effective Date:* February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Overstreet, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0310; facsimile (703) 602–0350. Please cite DFARS Case 2003–D050.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This final rule is a result of the DFARS Transformation initiative. The DFARS changes—

- Update and clarify requirements and responsibilities for Government review of a contractor's insurance programs, pension plans, and other deferred compensation plans; and
- Delete text addressing procedural matters relating to these reviews. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

DoD published a proposed rule at 70 FR 35606 on June 21, 2005. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because contractor insurance/pension review requirements apply primarily to large business concerns.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 242

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 242 is amended as follows:

■ 1. The authority citation for 48 CFR part 242 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.7300 [Removed]

■ 2. Section 242.7300 is removed.

■ 3. Sections 242.7301 through 242.7303 are revised to read as follows:

242.7301 General.

(a) The administrative contracting officer (ACO) is responsible for determining the allowability of insurance/pension costs in Government contracts and for determining the need for a Contractor/Insurance Pension Review (CIPR). Defense Contract Management Agency (DCMA) insurance/pension specialists and Defense Contract Audit Agency (DCAA) auditors assist ACOs in making these determinations, conduct CIPRs when needed, and perform other routine audits as authorized under FAR 42.705 and 52.215–2. A CIPR is a DCMA/DCAA joint review that—

(1) Provides an in-depth evaluation of a contractor's—

(i) Insurance programs;

(ii) Pension plans;

(iii) Other deferred compensation plans; and

(iv) Related policies, procedures, practices, and costs; or

(2) Concentrates on specific areas of the contractor's insurance programs, pension plans, or other deferred compensation plans.

(b) DCMA is the DoD Executive Agency for the performance of all CIPRs.

(c) DCAA is the DoD agency designated for the performance of contract audit responsibilities related to Cost Accounting Standards administration as described in FAR Subparts 30.2 and 30.6 as they relate to a contractor's insurance programs,

pension plans, and other deferred compensation plans.

242.7302 Requirements.

Follow the procedures at PGI 242.7302 to determine if a CIPR is needed.

242.7303 Responsibilities.

Follow the procedures at PGI 242.7303 when conducting a CIPR.

[FR Doc. 06–1632 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2004–19523]

RIN 2127–AJ80

Federal Motor Vehicle Safety Standards; Rear Impact Guards and Rear Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: To address the problem of rear underride crashes, Federal safety standards require heavy trailers and semitrailers to be equipped with underride guards. Compliance with these requirements is not practicable for vehicles featuring work-performing equipment mounted in the area where an underride guard would normally be located. These trailers and semitrailers are designated as ''special purpose vehicles'' and are excluded from the standard. On November 5, 2004, we published a final rule amending the definition of ''special purpose vehicles'' in order to clarify the exclusion by specifying the dimensions of the area where the work-performing equipment must reside or pass through in order for the exclusion to apply. On December 14, 2004, we were petitioned by the National Truck Equipment Association to reconsider the final rule because the amendment has had an unintended effect of narrowing the exclusion applicable to ''special purpose vehicles.''

In response to that petition for reconsideration, this document further amends the definition of a ''special purpose vehicle'' to exclude a specific group of vehicles that cannot comply with the underride guard requirements in a practicable manner.

DATES: This final rule is effective April 24, 2006. Voluntary compliance is permitted before that time.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC, 20590:

For technical and policy issues: Mr. Maurice Hicks, Office of Crashworthiness Standards, NVS–113, telephone (202) 366–6345, facsimile (202) 493–2739, e-mail: *maurice.hicks@nhtsa.dot.gov.*

For legal issues: Mr. George Feygin, Office of the Chief Counsel (202) 366–2992, facsimile (202) 366–3820, e-mail: *george.feygin@nhtsa.dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 224, ''*Rear impact protection,*'' requires that heavy [1] trailers and semitrailers be equipped with underride guards in order to reduce the risk to passenger vehicle occupants in crashes in which a passenger vehicle impacts the rear of a heavy truck trailer or a semitrailer. Compliance with these requirements is not practicable for a small number of vehicles featuring work performing equipment mounted on the rear of a trailer or semitrailer where an underride guard would normally be located. If the equipment needs to move through the area that could be occupied by the horizontal member of the guard, the presence of a guard would impair or eliminate the usefulness of the equipment. These vehicles are designated as ''special purpose vehicles'' and are excluded from the standard.

On June 24, 1998, Thieman Tailgates, Inc., (Thieman) petitioned NHTSA to amend FMVSS No. 224 in order to exclude trailers with rear-mounted rail type [2] and tuckunder [3] lift gates from the requirements of the standard because, according to the petitioner, they could not accommodate underride guards for reasons of impracticability. Thieman argued that the previous definition of special purpose vehicles (as set forth below) was not descriptive enough to exclude all rail type and tuckunder lift gates.

> Special purpose vehicle means a trailer or semitrailer having work-performing equipment that, while the vehicle is in transit, resides in or moves through the area that could be occupied by the horizontal member of the rear underride guard, as defined by S5.1.1 through S5.1.3.[4]

We note that in a September 9, 1998 letter of interpretation responding to the National Truck Equipment Association (NTEA) question about the ''area that could be occupied by the horizontal member of the rear underride guard,'' we described the area as follows: (1) The side boundaries are the side extremities of the trailer; (2) the rearward boundary is the transverse vertical plane tangent to the rear extremity of the vehicle; (3) the forward boundary is the transverse vertical plane 305 mm (12 inches) forward of the transverse vertical plane tangent to the rear extremity of the vehicle; (4) the vertical boundaries may be as high as the bottom of the vehicle body, and as low as the ground.

On February 27, 2004, NHTSA published an NPRM proposing to amend FMVSS No. 224.[5] Specifically, the NPRM proposed to define and specifically exclude tuckunder lift gates from the requirements of the standard. The NPRM also proposed to amend the definition of ''special purpose vehicle'' to include a precise description of the space in which work-performing equipment must reside in or move through while a trailer is in transit. The NPRM did not propose to exclude rail type lift gates from the requirements of FMVSS No. 224.

On November 5, 2004, NHTSA published a final rule amending FMVSS No. 224.[6] First, with respect to rail type liftgates, we reiterated that we never intended to exclude rail-type lift gates from the requirements of the standard. Second, the agency agreed that the requirements of the standard are impracticable for vehicles equipped with tuckunder lift gates. However, instead of creating a specific exclusion for tuckunder lift gates, the November 2004 final rule amended the definition of ''special purpose vehicles'' with the intent to exclude such vehicles. We indicated our belief that expressly excluding tuckunder lift gates would be redundant in light of the revised definition. We also stated that the

[1] Trailers and semitrailers with a gross vehicle weight rating (GVWR) of 4,536 kg or more.

[2] Rail-type liftgate consists of a loading platform that typically moves vertically along two permanently mounted rails on the rear of the trailer. With rail-type liftgates, the platform swings up and stows along the rear of the trailer body while not in use.

[3] Tuckunder liftgate consists of a loading platform, which operates from its stowed position by swinging out to the rear of the trailer where it may be hydraulically raised and lowered to load heavy deliveries. Tuckunder liftgates are stowed under the body of the trailer while not in use, thus freeing the rear of the trailer for light deliveries and dock operations with elevated bays.

[4] See *http://www.nhtsa.dot.gov/cars/rules/interps/files/17799-2.pja.html.*

[5] *See* 69 FR 9288.

[6] *See* 69 FR 64495.

amended definition would not subject previously excluded vehicles to the requirements of FMVSS No. 224.[7]

As set forth below, the new definition contained a precise description of the space in which work-performing equipment must reside in or move through while a trailer is moving.

Special purpose vehicle means a trailer or semitrailer having work-performing equipment that, while the vehicle is in transit, resides in or moves through any portion of the cubic area extending:

(1) Vertically from the ground to a horizontal plane 660 mm above the ground;

(2) Laterally the full width of the trailer, determined by the trailer's side extremities as defined in S4 of this section; and

(3) From the rear extremity of the trailer as defined in S4 of this section to a transverse vertical plane 305 mm forward of the rear extremity of the trailer.

The new description of the space in which work-performing equipment must reside differed from the one described in the September 1998 letter of interpretation to NTEA. Specifically, the vertical boundary of the area became more limited and extended only to a horizontal plane 660 mm above the ground, instead of all the way up to the horizontal surface of the trailer. This is because the agency believed it was appropriate to require underride guards on trailers that have only a small portion of work-performing equipment located just underneath the trailer bed. That is, we concluded that some work performing equipment located closer to the trailer bed would be compatible with underride guards. We explained that the relationship of the work performing equipment to the location in which the rear impact guard would have to be installed, and not the mere presence of the equipment, should be the criterion for determining the exclusion.

On December 17, 2004, the NTEA submitted a petition for reconsideration of the November 2004 final rule.[8] NTEA stated that the amendment to the definition of ''special purpose vehicles'' has had an unintended effect of subjecting many previously excluded trailers equipped with tuckunder lift gates to the requirements of the standard. NTEA argued that this change was contrary to agency's statements in the preamble where we indicated that vehicles equipped with tuckunder lift gates would continue to qualify for a special purpose vehicle exclusion.[9] NTEA explained that some tuckunder lift gates are stowed just underneath the trailer bed. However, they require the area normally occupied by an underride guard in order to deploy the lift platform. Thus, according to the petitioner, the presence of an underride guard would therefore interfere with the operation of these tuckunder lift gates. In sum, NTEA argued that because the description of the space in which work-performing equipment must reside was narrowed, the November 2004 final rule had the effect of subjecting some previously excluded tuckunder lift gates to the requirements of FMVSS No. 224.

II. Response to the Petition for Reconsideration

After carefully considering the issues raised in the NTEA petition for reconsideration, we conclude that the definition of ''special purpose vehicles'' included in the November 2004 final rule has had an unintended effect of subjecting previously excluded trailers equipped with tuckunder lift gates from the requirements of the standard. This is contrary to our intent because certain tuckunder lift gates cannot comply with the requirements of FMVSS No. 224 for reasons of impracticability. Specifically, some tuckunder lift gates reside just underneath the trailer bed, but nevertheless must move through the space normally occupied by an underride guard in order to deploy. Accordingly, an underride guard installed on vehicles equipped with tuckunder lift gates would make these lift gates useless.

In short, the agency did not anticipate that our rulemaking would subject previously excluded vehicles to the requirements of FMVSS No. 224 because we were unaware that certain work performing equipment stowed close to the surface of the trailer nevertheless requires greater space for operation. Therefore on reconsideration, we have decided to further amend the definition of ''special purpose vehicles.''

Instead of enlarging the ''exclusion zone'' for all vehicles, which could make the ''special purpose vehicle'' exclusion broader than the agency intended, the amendment will specifically exclude vehicles equipped with tuckunder lift gates; i.e., loading platforms that are stowed between the rear vehicle extremity and the rearmost axle, and that deploy through the space that would be normally occupied by an underride guard. This approach incorporates language that is similar to that used in the notice of proposed rulemaking to amend the definition of ''special purpose vehicle'' where the agency proposed to define and exclude tuckunder lift gates.[10] In the final rule, the agency concluded that expressly excluding tuckunder lift gates would be redundant. However, we have reconsidered this position after considering the information presented in NTEA's petition.

The revised definition reads as follows:

Special purpose vehicle means a trailer or semitrailer that:

(a) Has work performing equipment that, while the vehicle is in transit, resides in or moves through any portion of the space bounded:

(1) Vertically from the ground to a horizontal plane 660 mm above the ground;

(2) Laterally the full width of the trailer, determined by the trailer's side extremities as defined in S4 of this section; and

(3) From the rear extremity of the trailer as defined in S4 of this section to a transverse vertical plane 305 mm forward of the rear extremity of the trailer; or

(b) Is equipped with a loading platform that, while the vehicle is in transit, is completely stowed in the space bounded by a plane tangent to the underside of the vehicle, the ground, the rear extremity of the vehicle, and the rearmost axle, and that, when operated, deploys from its stowed position to the rear of the vehicle through any portion of the space described above.

This amendment to the definition of ''special purpose vehicles'' becomes effective 60 days after the publication of this document. Voluntary compliance is permitted before that time. We conclude that because this amendment excludes tuckunder lift gates, it will not subject previously excluded trailers to the requirements of FMVSS No. 224, and therefore, will not result in any additional costs to trailer or underride guard manufacturers. Trailers capable of complying with FMVSS No. 224 in a practicable manner are likewise unaffected this final rule.

III. Request Concerning Vehicles in Use

In regard to our November 5, 2004 final rule, we also received a request[11] from Brenntag asking that ''the agency allow all rail type lift gates now in operation as of the date of [e]nactment of the regulation to be exempt from this new ruling. All rail type lift gates installed after that date must comply with the new regulation.'' In response to this request, we note that the November 5, 2004 final rule was applicable to trailers and semitrailers manufactured on or after November 5, 2004 and did

[7] *See id.* We also stated that vehicles equipped with tuckunder lift gates would continue to qualify for a ''special purpose vehicle'' exclusion. *See id* at 64497.

[8] *See* NHTSA–2004–19523–3.

[9] *See* 69 FR 64497.

[10] *See* 69 FR 9288 at 9296 (February 27, 2004); Docket No. NHTSA–1998–4369.

[11] We note that the request from Brenntag was referred to as a petition. However, the agency received the petition after the closing date for petitions for rreconsideration. Given the response we provide in this paragraph, however, the type of document submitted by Brenning is inmaterial.

not apply retroactively to rail type lift gates already in operation.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, ''Regulatory Planning and Review.'' The rulemaking action is also not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

This rulemaking action will not have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

This document simply amends the definition of a ''special purpose vehicle'' to exclude a specific group of vehicles that cannot comply with the underride guard requirements in a practicable manner.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act. Many of the businesses that manufacture trailers equipped with work-performing equipment are considered small businesses. However, this document amends the definition of a ''special purpose vehicle'' to exclude a specific group of vehicles that cannot comply with the underride guard requirements in a practicable manner. Therefore, I hereby certify that this final rule does not have a significant economic impact on a substantial number of small entities.

C. National Environmental Policy Act

NHTSA has analyzed these amendments for the purposes of the National Environmental Policy Act and determined that they will not have any significant impact on the quality of the human environment.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule has no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This rule does not establish any new information collection requirements.

F. Executive Order 12778 (Civil Justice Reform)

This final rule does not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $109 million annually (adjusted for inflation with base year of 1995). Because this final rule does not have a $100 million effect, no Unfunded Mandates assessment has been prepared.

H. Executive Order 13045

Executive Order 13045 applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This final rule is not economically significant and does not concern an environmental health or safety risk that disproportionately affects children.

I. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified

Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

J. Privacy Act

Anyone is able to search the electronic form of all submissions received into any of our dockets by the name of the individual submitting the comment or petition (or signing the comment or petition, 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) or you may visit *http://dms.dot.gov.*

V. Regulatory Text

List of Subjects in 49 CFR Parts 571

Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 of title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.224 is amended by revising the definition of ''Special purpose vehicle'' in S4 as follows:

§ 571.224—Standard No. 224; Rear impact protection.

* * * * *

S4. Definitions

* * * * *

Special purpose vehicle means a trailer or semitrailer that:

(1) Has work performing equipment that, while the vehicle is in transit, resides in or moves through any portion of the space bounded:

(i) Vertically from the ground to a horizontal plane 660 mm above the ground;

(ii) Laterally the full width of the trailer, determined by the trailer's side extremities as defined in S4 of this section; and

(iii) From the rear extremity of the trailer as defined in S4 of this section to a transverse vertical plane 305 mm forward of the rear extremity of the trailer; or

(2) Is equipped with a loading platform that, while the vehicle is in transit, is completely stowed in the space bounded by a plane tangent to the underside of the vehicle, the ground, the rear extremity of the vehicle, and the rearmost axle, and that, when operated, deploys from its stowed position to the rear of the vehicle through any portion of the space described above.

* * * * *

Issued on: February 16, 2006.

Jacqueline Glassman,

Deputy Administrator.

[FR Doc. 06–1670 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 71, No. 36
Thursday, February 23, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 704, 715, and 741

Supervisory Committee Audits

AGENCY: National Credit Union Administration (NCUA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The National Credit Union Administration (NCUA) requests public comment on whether and how to modify its Supervisory Committee audit rules to require credit unions to obtain an ''attestation on internal controls'' in connection with their annual audits; to identify and impose assessment and attestation standards for such engagements; to impose minimum qualifications for Supervisory Committee members; and to identify and impose a standard for the independence required of State-licensed, compensated auditors.

DATES: Comments must be received on or before April 24, 2006.

ADDRESSES: You may submit comments by any one of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web Site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *E-mail:* Address to *regcomments@ncua.gov.* Include ''[Your name] Comments on Part 715 ANPR, Supervisory Committee Audits'' in the e-mail subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for e-mail.
- *Mail:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

FOR FURTHER INFORMATION CONTACT: Karen Kelbly, Chief Accountant, Office of Examination and Insurance, telephone: (703) 518–6389; Steven W. Widerman, Trial Attorney, Office of General Counsel, telephone: (703) 518–6557.

SUPPLEMENTARY INFORMATION:

I. Background

A. Existing Part 715

In 1998, the Credit Union Membership Access Act (''CUMAA''), Public Law 105–219, 112 Stat. 913 (1998), amended the Federal Credit Union Act to require credit unions having assets of $10 million or more to follow generally accepted accounting principles (''GAAP'') in all reports and statements filed with the NCUA Board. 12 U.S.C. 1782(a)(6)(C). CUMAA further required credit unions having assets of $500 million or more to obtain an annual independent audit of its financial statements (''financial statement audit'') performed in accordance with generally accepted auditing standards (''GAAS'') by an independent certified public accountant or public accountant licensed by the appropriate State or jurisdiction. 12 U.S.C. 1782(a)(6)(D).

Beyond the requirement to adhere to GAAP, the CUMAA amendments imposed no minimum audit requirements on federally-chartered credit unions having less than $500 million in assets. *See* 64 FR 41029 (July 29, 1999). And in contrast to other federally-insured financial institutions, 12 U.S.C. 1831m(c), CUMAA did not require credit unions to obtain, in connection with their annual audits, an ''attestation on internal controls'' by the credit union's independent accountant (hereinafter referred to as ''external auditor'').

In 1999, NCUA comprehensively overhauled its Supervisory Committee audit rules to conform to the CUMAA amendments. 64 FR 41029. Amended part 715 follows CUMAA in requiring credit unions having assets of $500 million or more to annually obtain a financial statement audit. 12 CFR 715.5. However, part 715 gives those having less than $500 million in assets a choice among several audit options: (1) A financial statement audit; (2) a ''balance sheet audit''; (3) a ''report on examination of internal controls over Call Reporting''; and (4) an audit as prescribed by NCUA's Supervisory Committee Guide. 12 CFR 715.7. None of these audit options requires an additional ''attestation on internal controls'' of the scope prescribed for other federally-insured financial institutions.

B. Request for Comments

Through this Advance Notice of Proposed Rulemaking, the NCUA Board seeks public comment in the form of answers to questions on four discrete issues: (A) Whether to require credit unions to obtain an ''attestation on internal controls'' in connection with their annual audits (questions 1 through 7 below); (B) What standards should govern the assessment and attestation components of such an engagement (questions 8 and 9 below); (C) What qualifications should be required as prerequisites to serve on a Supervisory Committee (questions 10 through 13 below); and (D) What standard should dictate the degree of independence required of state-licensed, compensated auditors (question 14 below). The NCUA Board also seeks input on several miscellaneous issues involving audit options for credit unions having less than $500 million in assets, requirements for delivery and regulatory access to audit reports, and the terms and conditions in engagement letters, including limitations on auditor liability (questions 15 through 22 below).

To facilitate consideration of the public's views, please address your comments to the questions set forth in section II. below for each subject. To maximize the value of your comments, it is essential to explain the reasons that support your conclusions. In addition, it is important to organize and identify your comments by corresponding question number and subject so that each question is addressed separately. You will have a further opportunity to comment comprehensively on the issues raised by these questions if the NCUA Board issues a proposed rule for public consideration.

II. Issues for Comment

A. Internal Control Assessment and Attestation

An ''attestation on internal controls'' has two principal components. First, management must report its assessments of the effectiveness of the internal control structure and procedures

established and maintained by the credit union. Then, its external auditor must examine, attest to, and report separately on management's written assertions (*i.e.*, derived from its assessments) on the effectiveness of the internal control structure and procedures. The scope on an ''attestation on internal controls'' may be limited only to the effectiveness of internal controls over financial statements prepared for regulatory purposes, such as Call Reports. An example of this is the ''report on examination of internal controls over Call Reporting,'' an audit option currently available to some credit unions. 12 CFR 715.7(b). Or the scope on an ''internal control attestation'' engagement may extend to the effectiveness of internal controls over all financial reporting, *i.e.*, financial statements prepared in accordance with GAAP and required regulatory reports.

The Sarbanes-Oxley Act, Public Law 107–204, 116 Stat. 745, 789 (2002), enacted in 2002, requires all public companies, in connection with an annual financial statement audit, to obtain an ''attestation on internal controls'' over financial reporting. 15 U.S.C. 7262. This requirement is similar to that which the Federal Deposit Insurance Corporation Improvements Act (''FDICIA'') has imposed on federally-insured financial institutions, other than credit unions, since 1991. 12 U.S.C. 1831m(c).

In 2003, the U.S. General Accounting Office (now the U.S. General Accountability Office) (''GAO'') suggested that ''NCUA might gain an evaluation of an institution's internal controls, comparable to other depository institution regulators, if credit unions were required, like banks and thrifts, to provide management evaluations of internal controls and their auditor's assessments of such evaluations.'' GAO, *Credit Unions: Financial Condition Has Improved, But Opportunities Exist to Enhance Oversight and Share Insurance Management* (GAO–04–91) (''GAO Report'') at 81. GAO further recommended ''making credit unions with assets of $500 million or more subject to the FDICIA requirement that management and external auditors report on the internal control structure and procedures for financial reporting * * *.'' *Id.* at 83–84. GAO reiterated this recommendation in 2005. GAO, *Issues Regarding the Tax-Exempt Status of Credit Unions* (GAO–06–220T) at 4. However, since GAO made its recommendation, the Federal Deposit Insurance Corporation (''FDIC'') has increased from $500 million to $1 billion the minimum asset size of the institutions required by FDICIA to obtain an ''attestation on internal controls'' over all financial reporting. 12 CFR 363.3(b); 70 FR 71226 (Nov. 28, 2005).[1]

NCUA concurred with GAO's recommendation to consider adopting a FDICIA-like attestation requirement, noting that it already provided guidance strongly encouraging large credit unions to voluntarily provide reporting on internal controls. GAO Report at 84; *see* enclosure to NCUA, *Letter to Credit Unions* No. 03–FCU–7 (Oct. 2003). GAO left the matter of ensuring parity in internal control reporting among all federally-insured financial institutions for Congressional consideration. However, NCUA believes that legislation is not necessary because the agency has the authority-which GAO acknowledged—to implement regulations requiring credit unions to provide these reports should it become necessary.[2] *Id.* at 84–85. To determine the extent to which such reports are necessary, the NCUA Board invites public comments in response to the following questions:

Questions No.

1. Should part 715 require, in addition to a financial statement audit, an ''attestation on internal controls'' over financial reporting above a certain minimum asset size threshold? Explain why or why not.

2. What minimum asset size threshold would be appropriate for requiring, in addition to a financial statement audit, an ''attestation on internal controls'' over financial reporting, given the additional burden on management and its external auditor? Explain the reasons for the threshold you favor.

3. Should the minimum asset size threshold for requiring an ''attestation on internal controls'' over financial reporting be the same for natural person credit unions and corporate credit unions? Explain why.

4. Should management's assessments of the effectiveness of internal controls and the attestation by its external auditor cover all financial reporting, (*i.e.*, financial statements prepared in accordance with GAAP and those prepared for regulatory reporting purposes), or should it be more narrowly framed to cover only certain types of financial reporting? If so, which types?

5. Should the same auditor be permitted to perform both the financial statement audit and the ''attestation on internal controls'' over financial reporting, or should a credit union be allowed to engage one auditor to perform the financial statement audit and another to perform the ''attestation on internal controls?'' Explain the reasons for your answer.

6. If an ''attestation on internal controls'' were required of credit unions, should it be required annually or less frequently? Why?

7. If an ''attestation on internal controls'' were required of credit unions, when should the requirement become effective (i.e., in the fiscal period beginning after December 15 of what year)?

B. Standards Governing Internal Control Assessments and Attestations

Management's responsibility in an ''attestation on internal controls''—to report its assessments of the effectiveness of the internal control structure and procedures established and maintained by the credit union—and the external auditor's responsibility—to examine, attest to, and report on management's assessments—each must be done in accordance with a standard recognized by the auditing industry. For management, the most commonly recognized standard for establishing, maintaining and assessing the effectiveness of the internal control structure is the *Internal Control—Integrated Framework* (1994 ed.) developed by the Committee of Sponsoring Organizations of the Treadway Commission (''COSO''). For the external auditor's attestation, the standard for non-public companies thus far has been the American Institute of Certified Public Accountants (''AICPA'') AT 501 internal control attestation standard.

The AICPA has exposed for public comment a revised AT 501 that is more in line with the Public Company Accounting Oversight Board's (''PCAOB'') Auditing Standard No. 2 (''AS 2'') that applies to public companies under Sarbanes-Oxley, 15 U.S.C. 7262(b). The final revisions to AT 501 are likely to require greater documentation and testing of internal control over financial reporting by

[1] In contrast to NCUA, Congress gave FDIC the authority to adjust the minimum asset threshold that triggers FDICIA's audit requirements. 12 U.S.C. 1831m(j)(2). Thus, FDICIA originally set the minimum asset threshold for requiring a financial statement audit at $150 million. 12 U.S.C. 1831m(j)(1). FDIC then raised the threshold to $500 million. 12 CFR 363.1(a); 58 FR 31332 (June 2, 1993).

[2] *See* 12 U.S.C. 1761d, 1782a(a)(2), 1789(a)(8) and (11) *as implemented by* 12 CFR 715, 741.202(a) (federally-insured natural person credit unions) and 12 U.S.C. 1761d, 1766(a), 1782a(a)(2), 1789(a)(8) and (11) *as implemented by* 12 CFR 704.15(a) (federally-insured corporate credit unions).

management to enable the auditor to fulfill the attestation responsibility.[3]

To assist the NCUA Board in determining what assessment and attestation standards should apply to credit union ''attestation on internal controls'' engagements, please comment in response to the following questions:

Question No.

8. If credit unions were required to obtain an ''attestation on internal controls,'' should part 715 require that those attestations, whether for a natural person or corporate credit union, adhere to the PCAOB's AS 2 standard that applies to public companies, or to the AICPA's revised AT 501 standard that applies to non-public companies? Please explain your preference.

9. Should NCUA mandate COSO's *Internal Control—Integrated Framework* as the standard all credit union management must follow when establishing, maintaining and assessing the effectiveness of the internal control structure and procedures, or should each credit union have the option to choose its own standard?

C. Qualificatons of Supervisory Committee Members

A credit union's Supervisory Committee is appointed by its board of directors and ''shall consist of not less than three members nor more than five, one of whom may be a director other than the compensated officer of the board.'' 12 U.S.C. 1761(b). Further, ''no member of the credit committee, if applicable, or any employee of th[e] credit union may be appointed to the committee.'' NCUA, *Federal Credit Union Standard ByLaws* Art. IX, section 1 (Rev. 10/99), 65 FR 55760 (Oct. 14, 1999). *See also* 70 FR 40924, 40928 (July 15, 2005). Apart from these disqualifications based on position and not asset size, part 715 imposes no affirmative qualifications as a prerequisite to serve on a Supervisory Committee.

For financial institutions other than credit unions, the audit committee is the analog to a credit union Supervisory Committee. For institutions with total assets of $1 billion or more, FDIC requires the audit committee to be comprised completely of members who are independent of management of the institution. 12 CFR 363.5(a)(1). If this limitation were to apply to Supervisory Committees, 103 natural persons and 17 corporate credit unions would be affected. For institutions with total assets of $500 million or more but less than $1 billion, FDIC requires the majority of the members of the audit committee to be independent of management of the institution. 12 CFR 363.5(a)(2). If this limitation were to apply to Supervisory Committees, 258 natural persons and 22 corporate credit unions would be affected. Exceptions to these restrictions are permitted when it imposes a hardship in recruiting and retaining competent members. *Id.*

Finally, for institutions with total assets of more then $3 billion, FDIC requires audit committee members to have banking or related financial management expertise, access to their own outside counsel, and no association with any large customer of the institution. 12 CFR 363.5(b). If the asset threshold for these qualifications were to apply to Supervisory Committees, 12 natural person and 6 corporate credit unions would be affected. To assist the NCUA Board in determining whether to develop such qualifications as prerequisites for Supervisory Committee membership, please respond to the following questions:

Question No.

10. Should Supervisory Committee members of credit unions above a certain minimum asset size threshold be required to have a minimum level of experience or expertise in credit union, banking or other financial matters? If so, what criteria should they be required to meet and what should the minimum asset size threshold be?

11. Should Supervisory Committee members of credit unions above a certain minimum asset size threshold be required to have access to their own outside counsel? If so, at what minimum asset size threshold?

12. Should Supervisory Committee members of credit unions above a certain minimum asset size threshold be prohibited from being associated with any large customer of the credit union other than its sponsor? If so, at what minimum asset size threshold?

13. If any of the qualifications addressed in questions 10, 11 and 12 above were required of Supervisory Committee members, would credit unions have difficulty in recruiting and retaining competent individuals to serve in sufficient numbers? If so, describe the obstacles associated with each qualification.

D. Independence of State-Licensed, Compensated Auditors

Under existing part 715, a financial statement audit of a federally-insured credit union must be ''performed in accordance with GAAS by an independent person who is [State-licensed].'' 12 CFR 715.5(a). GAAS incorporates the AICPA ''independence'' standards that apply when an independent, licensed certified public accountant audits financial statements. 12 CFR 715.2(f). FDIC requires independent accountants who audit institutions with assets of $500 million or more to not only meet the AICPA's Code of Professional Conduct, but also to meet the ''independence'' standards and interpretations of the U.S. Securities and Exchange Commission (''SEC'') and its staff.[4] 12 CFR part 363 App. A ¶ 14. To assist the NCUA Board in determining what ''independence'' standards should apply to State-licensed, compensated auditors, please comment in response to the following question:

Question No.

14. Should a State-licensed, compensated auditor who performs a financial statement audit and/or ''internal control attestation'' be required to meet just the AICPA's ''independence'' standards, or should they be required to also meet SEC's ''independence'' requirements and interpretations? If not both, why not?

E. Audit Options, Reports and Engagements

Experience with part 715 over the last six years has raised a number of miscellaneous issues. To assist the NCUA Board in addressing these issues, please respond to the following questions:

Question No.

15. Is there value in retaining the ''balance sheet audit'' in existing § 715.7(a) as an audit option for credit unions with less than $500 million in assets?

16. Is there value in retaining the ''*Supervisory Committee Guide audit*'' in existing § 715.7(c) as an audit option for credit unions with less than $500 million in assets?

[3] AS 2 is available at: *http://www.pcaobus.org/Standards/StandardsandRelatedRules/AuditingStandardNo.2.aspx.* For the exposure draft of revised AT 501, see AICPA Auditing Standards Board, *Proposed Statement on Standards for Attestation Engagements* dated Jan. 19, 2006, available at: *http://www.aicpa.org/download/exposure/EDAT501.pdf.*

[4] For GAAS ''independence'' standards, see generally *AU § 220—Independence* in AICPA, Professional Standards (updated 12/05) and *ET § 100—Independence, Integrity and Objectivity* in AICPA, *Code of Professional Conduct.* For SEC ''independence'' standards and interpretations, see generally SEC, *Strengthening the Commission's Requirements Regarding Auditor Independence,* Release Nos. 33–8183; 34–47265; 35–27642; IC–25915; IA–2103, FR–68, File No. S7–49–02 (January 28, 2003), 68 FR 6005 (Feb. 5, 2003).

17. Should part 715 require credit unions that obtain a financial statement audit and/or an ''attestation on internal controls'' (whether as required or voluntarily) to forward a copy of the auditor's report to NCUA? If so, how soon after the audit period-end? If not, why not?

18. Should part 715 require credit unions to provide NCUA with a copy of any management letter, qualification, or other report issued by its external auditor in connection with services provided to the credit union? If so, how soon after the credit union receives it? If not, why not?

19. If credit unions were required to forward external auditors' reports to NCUA, should part 715 require the auditor to review those reports with the Supervisory Committee before forwarding them to NCUA?

20. Existing part 715 requires a credit union's engagement letter to prescribe a target date of 120 days after the audit period-end for delivery of the audit report. Should this period be extended or shortened? What sanctions should be imposed against a credit union that fails to include the target delivery date within its engagement letter?

21. Should part 715 require credit unions to notify NCUA in writing when they enter into an engagement with an auditor, and/or when an engagement ceases by reason of the auditor's dismissal or resignation? If so in cases of dismissal or resignation, should the credit union be required to include reasons for the dismissal or resignation?

22. NCUA recently joined in the final *Interagency Advisory on the Unsafe and Unsound Use of Limitation of Liability Provisions in External Audit Engagement Letters,* 71 FR 6847 (Feb. 9, 2006). Should credit union Supervisory Committees be prohibited by regulation from executing engagement letters that contain language limiting various forms of auditor liability to the credit union? Should Supervisory Committees be prohibited from waiving the auditor's punitive damages liability?

By the National Credit Union Administration Board on February 16, 2006.

Mary F. Rupp,

Secretary of the Board.

[FR Doc. E6–2531 Filed 2–22–06; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23704; Directorate Identifier 2006–NE–02–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop, and TSE331–3U Model Turboshaft Engines

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Honeywell International Inc. TPE331 series turboprop, and TSE331–3U model turboshaft engines. This proposed AD would require implementing a new flight cycle counting method for first, second, and third-stage turbine rotors used in aircraft that make multiple takeoffs and landings without an engine shutdown, and removing turbine rotors from service that have reached or exceeded their cycle life limits. This new flight cycle counting method would require determining total equivalent cycles accrued. This proposed AD results from several reports of uncontained turbine rotor separation on engines used in special-use operations. We are proposing this AD to prevent uncontained failure of the turbine rotor due to low-cycle-fatigue (LCF), and damage to the aircraft.

DATES: We must receive any comments on this proposed AD by April 24, 2006.

ADDRESSES: Use one of the following addresses to comment on this proposed AD.

- DOT Docket Web site: Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- Fax: (202) 493–2251.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You can get the service information identified in this proposed AD from Honeywell Engines, Systems & Services, Technical Data Distribution, M/S 2101–201, P.O. Box 52170, Phoenix, AZ 85072–2170; telephone: (602) 365–2493 (General Aviation); (602) 365–5535 (Commercial); fax: (602) 365–5577 (General Aviation and Commercial).

You may examine the comments on this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5246; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2006–23704; Directorate Identifier 2006–NE–02–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the DOT Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

Examining the AD Docket

You may examine the docket that contains the proposal, any comments received and, any final disposition in person at the DOT Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in

ADDRESSES. Comments will be available in the AD docket shortly after the Docket Management Facility receives them.

Discussion

We received several reports of turbine rotor separations on Honeywell International Inc. TPE331 turboprop series engines, resulting in metal fragments either penetrating the engine case or exiting the tail pipe. These engines were in special-use operations that typically include minor cycles (aircraft that make multiple takeoffs and landings without an engine shutdown).

We found that as minor cycles on these engines accumulate, so does LCF damage to the turbine rotors, just like LCF damage does from a major cycle (engine start, takeoff, landing, shutdown). Further, the manufacturer's major life cycle calculations do not address special-use operations (aircraft that make multiple takeoffs and landings without an engine shutdown). Special-use operations typically include agricultural, skydiving, and certain cargo flight operations, where the number of minor cycles generally ranges between five and twenty takeoffs-and-landings (to ground idle) per major cycle.

This proposed AD is related to the recent FAA safety evaluation on Mitsubishi MU–2B series airplanes. This condition, if not corrected, could result in LCF damage to the turbine rotors, resulting in uncontained turbine rotor failure and damage to the aircraft.

Relevant Service Information

We have reviewed the technical contents of Honeywell International Inc. Alert Service Bulletins (ASBs) No. TPE331–A72–2111, dated November 12, 2002; No. TPE331–A72–2123, dated February 8, 2006; No. TPE331–A72–2130, dated September 27, 2005; and TPE331–A–72–2131, dated September 27, 2005, that describe procedures for determining total equivalent cycles (major cycles plus minor cycles) for first, second, and third-stage turbine rotors used in special-use operations and procedures for removing over-limit turbine rotors from service.

We have also reviewed and approved the technical contents of Honeywell International Inc. Service Bulletins (SBs) No. TPE331–72–0019, Revision 22, dated May 16, 2001; SB No. TPE331–72–0180, Revision 31, dated November 7, 2003; and SB No. TP331–72–0476, Revision 27, dated September 17, 2003, and AlliedSignal Inc. SB No. TP331–72–0117, Revision 11, dated November 13, 1997, that describe procedures for recording total equivalent cycles.

Differences Between the Proposed AD and the Manufacturer's Service Information

The proposed AD would allow special-use operators to remove over-limit turbine rotors either according to Table 1 of the removal schedule in the applicable ASBs, or within nine months after the effective date of the proposed AD, whichever occurs later. This would allow high-utilization agricultural operators more time to comply with the proposed AD within their spraying season.

Also, the compliance time stated in compliance paragraph 1.D. of the applicable Honeywell ASBs is different from the proposed AD. Also, although the Honeywell and AlliedSignal ASBs and SBs address only the TPE331 series, and TSE331–3U model engines in service, the applicability of the proposed AD includes all certified TPE331–1 through –12 series engines and TSE331–3U model engines. Also, the proposed AD provides actions for used rotors installed on or after the effective date of this AD.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require:

- Determining and recording the total equivalent cycles for turbine rotors currently installed in engines that were or are in special-use operations; and
- Removing from service, turbine rotors that were or are in special-use operations that have reached or exceeded their cycle life limits; and
- Using the new flight cycle counting method that counts major and minor cycles as accrued for all new turbine rotors.

The proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 200 TPE331 series turboprop, and TSE331–3U model turboshaft engines installed on airplanes and helicopters of U.S. registry. We also estimate that it would take about two work hours per engine to perform the proposed total equivalent cycles determination and recording. We also estimate that to perform a proposed turbine engine removal it would take 40 work hours per engine when done at an unscheduled turbine section inspection, and one work hour per engine when done at a scheduled engine turbine section inspection. We estimate the average labor rate to be $65 per work hour. Required parts would cost about $20,000 per engine. The costs associated with this proposed AD are dependent on the engine mission cycle. Operators accruing many minor and major cycles might replace first and second stage turbine rotors every two years. For the purpose of this proposed AD, we estimate the costs for an eight-year period with moderate usage to be 10 minor cycles each flight and 200 flights each year, and the effective use of the first and second turbine rotors to be equivalent to 2,600 cycles. Based on these figures, we estimate the total cost to U.S. operators to be $9,350,630.

This is one of several actions that FAA is evaluating for unsafe conditions on the MU–2B airplanes. We estimate that 10 percent of the affected engines are used on MU–2B airplanes. To date, we have proposed the following actions:

Docket	Unsafe condition	Date NPRM published	Cost impact
FAA–2006–23578	Wing attach barrel nuts, bolts, and retainers for cracks, corrosion, and fractures.	January 25, 2006 (71 FR 4072).	$65 per airplane for the inspection and $1,195 per airplane if all 8 barrel nuts needed replacement. Total airplane cost is $1,260 per airplane. If all 397 airplanes needed all 8 barrel nuts replaced, the total cost on U.S. operators for this proposed action would be $500,220.
FAA–2006–23644	An asymmetric thrust situation in certain flight conditions, which could result in airplane controllability problems.	February 9, 2006 (71 FR 6685).	$390 per airplane to change the blade angle. The total cost to U.S. operators for this proposed action would be $57,720.

Total proposed cost impact to date (including this NPRM) for the affected airplanes is $47,113 per airplane. This does not account for the following:

- The cost of any repairs or replacements based upon the results of inspections by the proposed actions; and
- The loss of revenue due to the airplane being down for work associated with any proposed AD action.

The total cost to date on all U.S. operators (including this NPRM) would be $18,703,940. This is based on the presumption that 10 airplanes would need the actions performed as specified by Docket No. FAA–2006–23704.

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

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Would 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 proposed AD. 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, Safety.

The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Engine Division; Garrett Turbine Engine Company; and AiResearch Manufacturing Company of Arizona): Docket No. FAA–2006–23704; Directorate Identifier 2006–NE–02–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by April 24, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Honeywell International Inc. TPE331–1, –1U, –1UA, –2, –2UA, –3U, –3UW, –3W, –5, –5A, –5AB, –5B, –5U, –6, –6A, –6U, –8, –8A, –9, –9U, –10, –10A, –10AV, –10B, –10G, –10GP, –10GR, –10GT, –10J, –10N, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UJ, –10UK, –10UR, –11U, –11UA, –12, –12B, –12JR, –12UA, –12UAR, –12UER, and –12UHR series turboprop and TSE331–3U model turboshaft engines. These engines are installed on, but not limited to, the following aircraft:

Manufacturer	Airplane model
AERO PLANES, LLC (formerly McKinnon Enterprises)	G–21G.
ALLIED AG CAT PRODUCTIONS (formerly Schweizer)	G–164 SERIES.
AYRES	S–2R SERIES.
BRITISH AEROSPACE LTD (formerly Jetstream)	3201 SERIES, AND HP.137 JETSTREAM MK.1.
CESSNA AIRCRAFT COMPANY	441 CONQUEST.
CONSTRUCCIONES AERONAUTICAS, S.A. (CASA)	C–212 SERIES.
DEHAVILLAND	DH104 SERIES 7AXC (DOVE).
DORNIER	228 SERIES.
FAIRCHILD	SA226 AND SA227 SERIES (SWEARINGEN MERLIN AND METRO SERIES).
GRUMMAN AMERICAN	G–164 SERIES.
MITSUBISHI	MU–2B SERIES (MU–2 SERIES).
PILATUS	PC–6 SERIES (FAIRCHILD PORTER AND PEACEMAKER).
POLSKIE ZAKLADY LOTNICZE SPOLKA (formerly Wytwornia Sprzetu Komunikacyjnego).	PZL M18, PZL M18A, PZL M18B.
PROP-JETS, INC.	400.
RAYTHEON AIRCRAFT (formerly Beech)	C45G, TC–45G, C–45H, TC–45H, Tc–45J, G18S,.E18S–9700, D18S, D18C, H18, RC–45J, JRB–6, UC–45J, 3N, 3NM, 3TM, B100, C90 AND E90.
SHORTS BROTHERS AND HARLAND, LTD	SC7 (SKYVAN) SERIES.
THRUSH (ROCKWELL COMMANDER)	S–2R.
TWIN COMMANDER (JETPROP COMMANDER)	680 AND 690 SERIES.

Manufacturer	Helicopter model
SIKORSKY	S–55 SERIES (HELITEC CORP. S55T).

Unsafe Condition

(d) This AD results from several reports of uncontained turbine rotor separation on engines used in special-use operations. We are issuing this AD to prevent uncontained failure of the turbine rotor due to low-cycle-fatigue (LCF), and damage to the aircraft.

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.

Used Turbine Rotors Installed Before the Effective Date of This AD

(f) For used turbine rotors installed before the effective date of this AD, and currently or previously used in special-use operations:

(1) Within 100 major cycles-in-service after the effective date of this AD, or upon removal of the turbine rotor(s) from the engine, whichever occurs first, do the following:

(i) Determine the total equivalent cycles accrued for turbine rotors. Use paragraph 2.A. of the Accomplishment Instructions of the applicable Honeywell Alert Service Bulletin (ASB) for your model engines listed in the following Table A., to make the determination.

TABLE A.—HONEYWELL ASBS FOR DETERMINING TOTAL EQUIVALENT CYCLES

For engines	Use ASB No.	Turbine rotor removal schedule
(A) TPE331–1 through –6 series and TSE331–3U model	TPE331–A72–2111, dated November 12, 2002	Use ASB Table 1.
(B) TPE331–8 through –9 series	TPE331–A72–2123, dated February 8, 2006	Use ASB Table 1.
(C) TPE331–10 through –11 series	TPE331–A72–2130, dated September 27, 2005	Use ASB Table 1.
(D) TPE331–12 series	TPE331–A72–2131, dated September 27, 2005	Use ASB Table 1.

(ii) If you are unable to determine equivalent cycles for prior special-use operations, you must use a takeoff-to-engine shutdown ratio of six to estimate prior special-use equivalent cycles for turbine rotors.

(iii) For each turbine rotor affected on the Life Limited Part Log Card, record the total equivalent cycles accrued, as determined in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD, by complying with the recording requirements for your model engine listed in the following Table B.:

TABLE B.—SBS FOR RECORDING TOTAL EQUIVALENT CYCLES

For engines	Record using
(A) TPE331–1 through –6 series and TSE331–3U model	Honeywell SB No. TPE331–72–0019, Revision 22, dated May 16, 2001.
(B) TPE331–8 through –9 series	AlliedSignal SB No. TPE331–72–0117, Revision 11, dated November 13, 1997.
(C) TPE331–10 through –11 series	Honeywell SB No. TPE331–72–0180, Revision 31, dated November 7, 2003.
(D) TPE331–12 series	Honeywell SB No. TPE331–72–0476, Revision 27, dated September 17, 2003.

(2) Remove from service turbine rotors affected by paragraph (f) of this AD using the applicable Turbine Rotor Removal Schedule in Table A of this AD, or, within nine months after the effective date of this AD, whichever occurs later.

Used Turbine Rotors Installed On or After the Effective Date of This AD

(g) For used turbine rotors installed on or after the effective date of this AD, and currently or previously used in special-use operations:

(1) Before further flight, determine and record total equivalent cycles using paragraphs (f)(1)(i) through (f)(1)(iii) of this AD.

(2) Remove from service, turbine rotors affected by paragraph (g) of this AD using the applicable Turbine Rotor Removal Schedule in Table A of this AD.

New (Zero Cycles) Turbine Rotors Installed On or After the Effective Date of This AD

(h) For all new (zero cycles) turbine rotors installed on or after the effective date of this AD:

(1) Use the new counting method by counting and recording minor and major cycles when accrued, and determine equivalent cycles by the method described in paragraph (f) of this AD.

(2) The use of the ratio of six takeoffs to one engine shutdown per major cycle for unknown cycle history is not permitted.

Definitions

(i) Engines used in special-use operations are engines installed in aircraft that make multiple takeoffs and landings without engine shutdown.

(j) Total equivalent cycles is the combination of major and minor cycles as specified in the Honeywell ASBs listed in Table A of this AD.

(k) Total equivalent cycle life limits listed in the ASBs are the same as the cycle life limits specified in the SBs listed in Table B of this AD.

(l) The recording of total equivalent cycles on the Life Limited Part Log Card is the same procedure specified for ''accumulated cycles'' or ''total cycles'' in the SBs listed in Table B of this AD.

(m) Turbine rotors includes first, second, and third stage seal plates, air seals, rotor disks, wheels, and assemblies that have part numbers specified in the ASBs listed in Table A of this AD.

(n) A major cycle is an engine start, takeoff, landing, and shutdown.

(o) A minor cycle is multiple takeoffs and landings without an engine shutdown.

(p) A used turbine rotor is a turbine rotor whose cycles-since-new are more than zero.

Alternative Methods of Compliance

(q) The Manager, Los Angeles Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(r) None.

Issued in Burlington, Massachusetts, on February 15, 2006.

Ann C. Mollica,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 382

RIN 2105–AD41

[OST Docket No. 2006–23999]

Accommodations for Individuals Who Are Deaf, Hard of Hearing, or Deaf-Blind

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to amend a previously published proposed rule that implements the Air Carrier Access Act (ACAA), to provide for additional accommodations for air travelers who are deaf, hard of hearing or deaf-blind. This proposed rule applies to U.S. air carriers, to foreign air carriers for their flights into and out of the United States, to airport facilities located in the U.S. that are owned, controlled or leased by carriers, and to aircraft that serve a U.S. airport. It proposes to require U.S. and certain foreign air carriers to provide prompt access for individuals who identify themselves as requiring hearing or visual assistance to the same information provided to other passengers in the terminal and on the aircraft; caption safety and informational videos, DVDs and other audio-visual displays shown on new and existing aircraft; caption entertainment videos, DVDs and other audio-visual displays on new aircraft; ensure that individuals calling a carrier's TTY line for information or reservations receive equal response time and level of service (including queuing or other automated response service) as that provided to individuals calling a non-TTY information or reservation line; enable captioning on televisions and audio-visual equipment located in those portions of U.S. airports that are owned, leased or controlled by carriers and open to public access to the extent that such equipment has captioning capability on the effective date of this rule; replace non-caption capable televisions and audio-visual displays with captioning capable technology in the normal course of operations or when relevant airport facilities undergo substantial renovation or expansion; and train carrier personnel to proficiency on recognizing requests for communication accommodations and communicating with individuals who have visual or hearing impairments.

DATES: Interested persons are invited to submit comments regarding this proposal. Comments must be received on or before April 24, 2006.

ADDRESSES: Comments on this notice of proposed rulemaking must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to the Docket Management Facility of the Office of the Secretary (OST), located on the Plaza Level of the Nassif Building at the U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. The DOT Docket Facility is open to the public from 10 a.m. to 5 p.m., Monday through Friday. Commenters may also submit comments electronically. Instructions appear on the Dockets Management System (DMS) pages of the Department's Web site (*http://dms.dot.gov*).

FOR FURTHER INFORMATION CONTACT: Omar Guerrero or Blane A. Workie, Office of the General Counsel, Department of Transportation, 400 7th Street, SW., Room 4116, Washington, DC 20590, 202–366–9342 (voice), (202) 366–0511 (TTY), 202–366–7152 (fax), *omar.guerrero@dot.gov* or *blane.workie@dot.gov* (e-mail). Arrangements to receive this notice in an alternative format may be made by contacting the above named individuals.

SUPPLEMENTARY INFORMATION:

Background

This NPRM concerns the issue of accommodations for deaf, hard of hearing and deaf-blind individuals. The Department of Transportation (hereinafter ''Department'' or ''DOT'') first considered such an NPRM in 1996. At that time, DOT issued an NPRM on seating accommodations and stowage of collapsible wheelchairs in which it also requested comments on suggestions the Department had received regarding accommodations for deaf and hard of hearing persons. *See* 61 FR 56484 (Nov. 1, 1996). Specifically, the 1996 NPRM sought comments on the need for, technical feasibility of, and cost of the following accommodations: (1) The captioning of video material shown on aircraft (e.g., movies and other entertainment features); (2) the availability of telecommunications devices for the deaf where air phone service is provided to other passengers; (3) the provision of assistive listening technology for public address announcements in the aircraft; and (4) the provision of electronic messaging or assistive listening technology in gate areas. In the preamble of the final rule that resulted from the November 1996 proposed rulemaking, however, the Department deferred a decision on whether to require additional accommodations for deaf and hard of hearing passengers. *See* 63 FR 10528 (March 4, 1998).

In January 2000, DOT reopened consideration of this issue by convening a public meeting to discuss whether the Department should commence a rulemaking to require certain additional accommodations for deaf and hard of hearing passengers under the ACAA. *See* 62 FR 63279 (Nov. 19, 1999); 64 FR 66590 (Nov. 29, 1999). Later that year, the Department determined to institute a rulemaking on additional accommodations for deaf and hard of hearing individuals through the use of a regulatory negotiation. However, resource issues delayed the formation and progress of a regulatory negotiation on this issue.

Representatives from the deaf and hard of hearing community, during the May 2001 DOT forum regarding air travel for people with disabilities, asked that DOT follow-up on these early efforts to address deaf and hard of hearing accommodations with a rulemaking. In response to this request, DOT indicated that collaboration among air carriers, airports and the disability community would accelerate the initiation of rulemaking addressing these issues.

DOT entered into a Memorandum of Understanding (MOU) with the National Council on Disability (NCD) in August 2002 which served as a contract for a number of deliverables. Among a number of items in this MOU, NCD agreed to submit a proposal on improving accommodations for deaf and hard of hearing passengers. It was understood that this proposal would be construed as a petition for rulemaking. *See* Memorandum of Understanding Between United States DOT and NCD on Finding Cooperative Solutions to Accessibility Concerns Regarding Air Travel (August 19, 2002). Soon thereafter, NCD established the Deaf, Hard of Hearing and Deaf-Blind Workgroup. Numerous airline, airline association, airport, and disability community representatives participated in this group to develop a document to submit to DOT on ways to improve under part 382 accommodations in air travel for individuals who are deaf, hard of hearing or deaf-blind. The airline industry was represented by the Air Carrier Association of America (Association), Air Transport Association (ATA), International Air Transport Association (IATA), National Air Carrier Association (NACA), and the Regional Airline Association (RAA). The following individual airlines also participated in the workgroup: Alaska Airlines, American Airlines, America West Airlines, British Airways, Continental Airlines, Delta Air Lines, Hawaiian Airlines, JetBlue Airways, LA Beltway Airlines, Northwest Airlines, Southwest Airlines, United Airlines, and U.S. Airways. The disability community was represented by the American Association for the Deaf-Blind, Deaf & Hard of Hearing Advocacy Network, Equip for Equality, National Association of the Deaf, National Council on Disability, and Self Help & Hard of Hearing People. Airports Council International represented the airport industry.

The Deaf, Hard of Hearing and Deaf-Blind Workgroup met independently from DOT beginning in late 2002. The workgroup met in Washington, DC, on November 14, 2002, February 13, 2003, September 23, 2003, October 29, 2003, December 16, 2003, February 9, 2004, and April 28, 2004. In between these meetings the workgroup continued to work via electronic mail and telephone. The workgroup occasionally sought DOT's assistance to facilitate the continued cooperation of the workgroup members, to clarify administrative details (*e.g.*, regulatory formatting and contact information for possible workgroup members), and to clarify DOT's expectations of the workgroup. The Department encouraged the parties to work together to reach consensus on a proposed rule drafted by the workgroup members and to submit such proposal to DOT for consideration. Without discussing the substantive details of any proposal submitted by the workgroup, DOT further advised that submission of a consensus document would better educate DOT regarding the needs and concerns of the affected parties as DOT worked to fulfill its expressed intention to issue an NPRM to improve accommodations in air travel for deaf, hard of hearing and deaf-blind passengers. The Department did not provide guidance with regard to the substance of any provisions contained in any final proposal for rulemaking submitted by the workgroup as a whole or its members individually.

On July 19, 2004, the Deaf, Hard of Hearing and Deaf-Blind Workgroup submitted a petition for rulemaking to DOT titled, ''Proposed Regulatory Language for Part 382 Amendments Concerning Accommodations for Deaf, Hard of Hearing and Deaf-Blind Passengers'' (hereinafter ''Workgroup Petition for Rulemaking''). The Workgroup Petition for Rulemaking states that all of the members involved agree that ''recommendations must tangibly ensure air travel improvements for passengers who are deaf, hard of hearing and deaf-blind in all airports and on all air carriers,'' and that in order that such recommendations ''are effectively implemented by all air carriers and airports, they must have the full force and power of law.'' The petition recommends numerous changes to part 382. Each proposal is followed by an explanation as to whether each stakeholder (*e.g.*, air carrier or disability community advocate) agrees with the recommendation. If one stakeholder disagrees with a recommendation, a summary of the reason for the disagreement follows. Any statement of disagreement is generally followed by an alternate proposed rule. The Workgroup Petition for Rulemaking sought to amend the following sections of 14 CFR part 382: [1] § 382.5, Definitions; [2] § 382.23, Airport Facilities; [3] § 382.35, Attendants, [4] § 382.45, Passenger Information, [5] § 382.47, Accommodations for Individuals Who are Deaf, Hard of Hearing and Deaf-Blind; [6] § 382.55, Miscellaneous Provisions; and [7] § 382.61, Training. The proposal also makes recommendations regarding 49 CFR 27.71, which prohibits airports from discriminating against individuals based on disability. A discussion of each specific recommendation, whether a consensus was reached, and reasons for disagreement among stakeholders appears below.

Formatting of the NPRM

This NPRM has been formatted in accord with the format of the NPRM issued on November 4, 2004, which proposes to extend part 382 to foreign air carriers and convert part 382 to a question and answer format. *See* 69 FR 64364 (Nov. 4, 2004). The Department expects to merge the final rule resulting from the instant NPRM with the final rule that results from the November 4, 2004, NPRM. For these reasons, the instant NPRM differs from the existing organization and numbering scheme of part 382 and adopts the structure of the November 4, 2004, NPRM. To assist readers in finding where related current provisions are located in the proposed regulatory text, a reference table is provided at the end of this preamble.

The NPRM

The NPRM has ten main components on which we specifically solicit comment: (1) Changes in terminology; (2) new definitions being considered; (3) scope/coverage of the proposed rule; (4) carrier responsibility and associated costs related to requiring a passenger to travel with a safety assistant; (5) accessibility of carriers' telephone information and reservation services (*i.e.*, service and response time for TTY information/reservation lines); (6) availability of accessible copies of part 382; (7) accessibility of airport facilities (*e.g.*, captioning of televisions and other audio-visual devices in airports); (8) accommodations required at airports for individuals with a vision impairment or individuals who are deaf or hard of hearing; (9) accommodations required on aircraft for individuals with vision impairments or individuals who are deaf or hard of hearing; and (10) training for carrier personnel to better communicate with individuals who have visual or auditory impairments.

1. Change of Terminology

This NPRM proposes to change the phrase, ''telecommunication device for the deaf'' and its acronym, ''TDD,'' to ''text telephone'' and ''TTY,'' respectively. All of the members of the Deaf, Hard of Hearing and Deaf-Blind Workgroup agreed to these proposed changes, noting that the proposed terms are ''more widely used and recognized'' than those currently used in part 382. The Department seeks comment on the suitability of this proposed terminology change.

2. Section 382.3 What do the terms in this part mean?

In the context of the Deaf, Hard of Hearing and Deaf-Blind Workgroup, the disability community requested that DOT add a definition of ''hard of hearing, deaf, and deaf-blind'' to part 382. It recommend that DOT define ''hard of hearing, deaf, and deaf-blind'' to include ''the entire spectrum of hearing disability, including congenital deafness and acquired deafness, and mild through profound hearing loss which may or may not occur with vision loss or other types of disabilities.'' According to these stakeholders, the recommended definition clarifies that individuals who are deaf or hard of hearing may also have vision loss or other disabilities (*e.g.* mobility or cognitive disability) and is ''consistent with the most widely accepted language among the disability community.'' The air carrier representatives did not comment on this issue.

From DOT's perspective, the definition of an ''individual with a disability'' as provided for in the ACAA and part 382 is quite broad. It includes individuals whose blindness, deafness and/or hearing loss substantially limits one or more major life activities (*e.g.*, hearing, seeing), and individuals who have a record of, or are regarded as having such impairment. It is unclear the benefit that would derive from including a specific definition in part 382 of individuals who are hard of hearing, deaf, and deaf-blind, particularly when no other type of disability is separately defined. As a result, this proposal does not adopt the recommendation of the disability-rights community to add a definition of ''deaf, hard of hearing, and deaf-blind'' in part 382. The Department seeks comment on the potential benefits and drawbacks of including the proposed, or some other definition of ''deaf, hard of hearing and deaf-blind'' in part 382.

The Workgroup Petition for Rulemaking also recommends defining the term ''captioning'' as follows:

> All references to ''captioning'' throughout the entire regulation, regardless of type of captioning, will refer to captions that comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAGs) standards for text and high-contrast. When ADAAG standards are not available for specific applications, captions shall be high-contrast on a consistent background, and of a size that is easy to read.

The NPRM does not propose to include this definition. The Access Board has advised us that ADAAG was not intended to apply to captions that are displayed on televisions or other video displays. ADAAG does have provisions regarding contrast but those are intended to cover signage—not captions on televisions or other video displays. Moreover, as used in the instant NPRM, the term ''high-contrast captioning'' refers to ''white lettering on a consistent black background.'' Where it has intended to require ''high-contrast'' captioning, the Department has used the term ''high-contrast'' and given this subsequent description thereof. For example, section 382.51 proposes to require carriers to provide ''high-contrast captioning'' on audio-visual displays in airports. Similarly, § 382.69, which proposes to require carriers to caption all in-aircraft safety and informational videos, DVDs and other audio-visual displays states that such captioning must be ''high-contrast * * * (*e.g.*, white letters on consistent black background).'' Section 382.69 also requires carriers to provide ''high-contrast'' captioning on entertainment videos, DVDs and other audio-visual displays on new and refurbished aircraft. The Department seeks comment on the effect and necessity of including a definition of ''captioning'' in § 382.3. In a related matter, the Department seeks comment on the content of any definition of ''captioning'' that may be included in § 382.3 (*e.g.* Should the Department adopt the definition proposed by the disability community in the Workgroup Petition for Rulemaking or include another definition) or elsewhere in part 382. Specifically, the Department seeks comment on the meaning or meanings of the term ''high-contrast'' as it refers to captioning of televisions and audio-visual displays. For example, is there a standard definition of ''high-contrast'' captioning? Is white lettering on a consistent black background the only type of ''high-contrast'' captioning used on televisions and/or other audio-visual displays, or is there another type of ''high-contrast captioning''? To the extent that there is more than one type of ''high-contrast'' captioning, is one better or more accessible to a larger number of individuals than the other(s)? If there is more than one type or definition of ''high-contrast'' captioning, which type or definition is most appropriately used within the text of part 382?

The instant NPRM contains the term ''informational'' several times in reference to videos, DVDs and other audio-visual displays. This NPRM does not contain a definition of this new term, which does not appear in the current version of part 382 or the November 4, 2004, NPRM. The Department intends that the term ''informational'' to include all videos, DVDs and other audio-visual displays that do not qualify as safety or entertainment, including, but not limited to, videos, DVDs and other audio-visual displays addressing weather, shopping, frequent flyer programs, customs and immigration information, carrier routes and other general customer service presentations. The Department seeks comment on whether it should include a definition of ''informational videos, DVDs and other audio-visual displays'' in this section or elsewhere within this Part. The Department also seeks comment on the substance of any such definition.

3. Section 382.5 To whom do the provisions of this part apply?

This NPRM proposes that this part be applicable notably to U.S. air carrier operations but also to certain foreign air carriers. On April 5, 2000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) amended the ACAA specifically to prohibit foreign carriers from discriminating against otherwise qualified individuals with disabilities. *See* 49 U.S.C. 41705(a). To implement the statutory application of the ACAA to foreign carriers, on November 4, 2004, DOT issued an extensive NPRM proposing to amend numerous portions of part 382 and apply the rule to foreign carriers. *See* 69 FR 64364 (Nov. 4, 2004). The November 4, 2004, NPRM explained that the ''intended scope of the statutory coverage of foreign air carriers, consistent with international law, focuses on traffic to and from the United States'' and proposed to cover flights operated by foreign carriers that begin or end at a U.S. airport. However, when a foreign air carrier is ''code-sharing'' with a U.S. carrier, the November 4, 2004, NPRM proposes to require that the foreign air carrier comply with the service-related requirements of part 382 even in situations where it is using a particular aircraft in operations only between foreign airports. Like the November 4, 2004, NPRM, the instant NPRM, with respect to flights operated by foreign air carriers, proposes to cover only aircraft that are used for flights operated to and from the United States, so long as the flight is not part of a code-sharing arrangement with a U.S. carrier. Because it is the Department's intention that the instant NPRM apply to foreign carriers in nearly the same manner as proposed in the November 4, 2004, NPRM, the entirety of § 382.5 as proposed in the November 4, 2004, NPRM is reproduced in the instant NPRM (with one minor

change discussed in the next paragraph). To the extent that individuals have already submitted comments regarding the extension of part 382 to foreign carriers in response to the November 4, 2004, NPRM, those comments will be considered with regard to the final rule issued as a result of the instant NPRM.

As proposed in the instant NPRM, § 382.5 would make one minor change to the proposed § 382.5 contained in the November 4, 2004, NPRM. With regard to U.S. carriers, § 382.5 as proposed in the instant NPRM would apply to all of their operations and aircraft regardless of where their operations take place, except as stated in § 382.51. Section 382.51 proposes that the required captioning of televisions and other audio-video displays would apply only to U.S. airport terminal facilities owned, leased or controlled by U.S. or foreign air carriers. DOT believes that this exception is necessary because the alteration of equipment or physical space at foreign airports by U.S. air carriers may be difficult or impossible. Several U.S. air carriers have expressed concern that they would not be able to comply with certain requirements related to facilities at foreign airports because they do not have complete control over the equipment and space inside foreign airport facilities. The Department seeks comment on the cost and feasibility of requiring U.S. carriers to modify equipment and/or space at foreign airport terminals that they lease, own or control. For example, would it be likely that televisions located in U.S. owned, leased or controlled portions of foreign airports would have captioning capabilities, and if so what would be the cost and feasibility of enabling such capabilities?

4. Section 382.29 May a carrier require a passenger with a disability to travel with a safety assistant?

This section proposes amendments regarding carrier responsibility related to requiring individuals with disabilities to travel with a safety assistant. The instant NPRM and the November 4, 2004, NPRM use the term ''safety assistant'' to replace the term ''attendant,'' which is used in the current version of part 382. This change has been made to more accurately reflect the duties of any individual who travels with a disabled passenger in order to assist that passenger with safety-related matters. Currently, part 382 permits a U.S. carrier to require an individual with both severe hearing and severe vision impairments to travel with a safety assistant if the person cannot establish some means of communication with carrier personnel, adequate to permit transmission of the safety briefing required under Federal Aviation Administration (FAA) rules. The November 4, 2004, NPRM did not propose to change the substance of this requirement, except to extend the rule to foreign air carriers. The proposed § 382.29(b)(4) in the instant NPRM, on the other hand, places a new obligation on U.S. and foreign air carriers; they would share the responsibility with passengers with severe hearing and severe vision impairments to make reasonable efforts to establish communication with one another in order to ascertain the need for a safety assistant. It also makes clear that the individual with severe hearing and vision impairments has the responsibility of initially informing carrier personnel of his or her need for communication accommodations.

Proposed § 382.29(b)(4) is a result of comments received from the Deaf, Hard of Hearing and Deaf-Blind Workgroup. To support its recommendation that the responsibility to communicate be shared by carriers and deaf-blind passengers, the disability community in the Workgroup Petition for Rulemaking cited ''[a]necdotal reports * * * [that] indicate that qualified passengers who are deaf-blind have been treated with a lack of sensitivity by airline employees, and have been denied air travel due to communication difficulties caused by employee unfamiliarity with communication techniques.'' Air carrier representatives disagreed with the recommendation that the responsibility to communicate be shared by airlines and deaf-blind passengers. These carrier representatives appear to believe that the change proposed by the disability stakeholders would result in ''airline personnel [having] to unilaterally identify passengers who need communication accommodations, but whose disabilities are not readily apparent'' and assert that ''[o]nly self-identification would be a reliable, objective way to establish when a passenger requires a communications accommodation.''

Section 382.29(b)(4) as proposed in this NPRM addresses the concerns expressed by both the disability and carrier representatives. It requires self-identification by individuals with severe hearing and vision impairments to ensure that carrier personnel are aware of the need for communication accommodations and requires both air carrier personnel and individuals with severe hearing and severe vision loss to make reasonable efforts to establish adequate communication with one another. That is, once a passenger self-identifies as needing accommodation, the joint communication requirement begins.

The Department seeks comment on the joint responsibility provision of proposed § 382.29(b)(4). In particular, the Department seeks comment on how this joint responsibility provision would work in practice. The Department also seeks comment on what may qualify as reasonable attempts to communicate, whether this standard is specific enough to allow carrier personnel and/or individuals who are deaf-blind to understand their responsibilities under this proposed subsection, and whether there is another more appropriate standard for use in this section of the instant NPRM.

In addition to the joint responsibility proposal, the instant NPRM proposes in § 382.29(c) to clarify that U.S. and foreign carriers must make reasonable efforts to find a safety assistant at no additional cost to the disabled passenger where the carrier's assessment that such assistance is needed is contrary to a disabled passenger's self-assessment. It is the Department's belief that a number of carriers already train their employees to assist individuals in locating a safety assistant when the carrier determines that one is necessary despite the individual's assertion that he or she is capable of traveling independently. Some U.S. carriers even provide their employees with a preferred order of selecting attendants. For example, a carrier may train its personnel to select an attendant in a particular order, such as [1] nonrevenue passengers, [2] carrier's airport personnel, [3] ticketed customers who have checked in for the same flight, and [4] a person accompanying the disabled passenger to the airport. Additionally, the rule as proposed would allow carriers to select the most cost-effective manner to comply with this requirement. Therefore, a carrier may choose to use nonrevenue passengers and personnel, or it may determine that it is less costly simply to solicit volunteer passengers in exchange for a free one-way ticket. Either way, the carrier is free to choose the least costly and most workable option for accomplishing this objective. Given that part 382 currently requires carriers to cover the cost of transportation for a safety attendant who is required by a carrier over the objection of a passenger with a disability, DOT believes there would be little to no additional cost associated with this proposed duty.

With respect to foreign air carriers, the November 4, 2004, NPRM proposed to adopt the requirements of the currently effective part 382, with regard

to the circumstances under which a carrier may require that a safety assistant travel with persons with severe hearing and severe vision disabilities. Also like the current part 382, the November 4, 2004, NPRM proposed to require U.S. and foreign carriers to absorb the cost of travel for any safety assistant required by the carrier, where that assessment is contrary to the self-assessment of an individual with severe hearing and severe vision impairments that he or she can travel independently. Because of this, the Department believes that the cost of complying with this section of the instant NPRM will be the same for U.S. and foreign carriers. That is, the only costs of this section attributable to the instant NPRM are those associated with [1] the proposed shift in communication responsibilities to one that is shared between carriers and passengers with disabilities; and [2] the new requirement that air carriers make reasonable efforts to locate a safety attendant where one is required over the self-assessment of the passenger that he or she may travel independently. The Department believes that these costs are minimal. The Department seeks comment on whether this proposed section has any costs other than the two stated above. The Department seeks comment on whether foreign carriers will incur greater costs than U.S. carriers in complying with this section of the instant NPRM, and if so, why. The Department seeks comment on whether it should allow additional time for foreign carriers to comply with this proposed section, and if so, why and how long.

5. Section 382.43 Must information and reservation services of carriers be accessible to individuals who are deaf, hard of hearing, or deaf-blind?

This NPRM proposes to require U.S. and foreign carriers to ensure that the service and response times are equal for TTY information/reservation lines and non-TTY information/reservation lines, including the provision of a queue or auto attendant feature. Currently, § 382.47(a), requires those U.S. carriers that provide telephone reservation and information services to the public to make equivalent TTY service available for individuals who are deaf or hard of hearing. Section 382.47(a) of the current rule further requires that TTY service be available during the same hours as the telephone service provided to other members of the public, that the response time for answering calls be equivalent, and that no greater charges be levied against TTY users than users of non-TTY lines. The November 4, 2004, NPRM, §§ 382.43(a)(1) through (3), proposed to extend these same requirements to foreign air carriers one year after the effective date of the rule. The instant NPRM maintains the requirements of the current rule and proposed sections of the November 4, 2004, NPRM, but proposes one change as described below. Thus, there is only one new requirement (and associated cost) attributable to the instant NPRM.

Section 382.43(a) of the instant NPRM proposes only one change to its current equivalent, § 382.47(a), which states: ''The TDD service * * * response time for answering calls shall be equivalent.'' Section § 382.43(a) proposes to add the following to the end of this sentence: ''including the provision of a queue message if one is provided to the general public (i.e., non-TTY users or callers).'' The disability community supports the proposed addition to § 382.43(a), stating that constituents report that often they are unable to direct dial into reservation and information services through a TTY line and that the response time to TTY users lags behind response time to non-TTY phone messages. In the Workgroup Petition for Rulemaking the disability community stated that a queue feature (also referred to herein as an ''auto attendant'') allows telephone systems to handle multiple callers at the same time by allowing callers to hold for connection to the desired department or service. A queuing or auto attendant system automatically answers calls and puts them in line (queue) for the next available customer service representative. The disability community asserts that a queue feature is common on non-TTY lines, but that often TTY lines are not queued and therefore such lines can only handle one call at a time. Without a queuing system, if a call comes in while the TTY line is in use, the second TTY caller will receive a busy signal and be unable to connect to the airline to make a reservation, obtain information or leave a message without calling back, perhaps, multiple times. The lack of queuing features on TTY lines may cause delays and inconvenience for deaf and hard of hearing individuals that are not encountered by nondisabled individuals.

It is the Department's belief that, for the reasons stated in the first paragraph of this section, the only cost attributable to this NPRM provision for both U.S. and foreign carriers would be the cost of installing queuing or auto attendant features on their TTY lines. The Department further believes that it would not be costly for carriers to install queuing features on TTY lines. This belief is supported by information provided in the Workgroup Petition for Rulemaking and the regulatory evaluation. The regulatory evaluation indicates that most carriers use queuing or auto attendant features on their non-TTY lines that can easily be applied to their TTY lines. Air carrier representatives in the Workgroup Petition for Rulemaking stated that they need further guidance on their queuing capabilities. The Department seeks comment on the ability of U.S. and foreign air carriers that have queuing or auto attendant features to apply such features to their TTY lines. The Department also seeks comment on how many U.S. and foreign carriers have queuing or auto attendant features and whether they may use these existing systems to have queuing or auto attendant features on their TTY lines. To the extent that individuals have already submitted comments in the November 4, 2004, NPRM regarding whether there are countries the communications infrastructures of which would not readily permit the use of TTYs, those comments will also be considered with regard to the final rule issued as a result of the instant NPRM.

6. Section 382.45 Must carriers make copies of this part available to passengers?

The proposed § 382.45, among other things, continues the requirement in the existing rule for carriers to make a copy of 14 CFR part 382 available for review by any member of the public on request. The current provision only applies to U.S. carriers, but the November 4, 2004, NPRM proposed to extend this requirement to foreign air carriers. In addition to requiring that carriers make part 382 available at the airports they serve in the U.S. and at foreign airports for flights to the U.S., the proposed § 382.45 in the instant NPRM also requires U.S. and foreign air carriers to provide passengers with information on [1] how to obtain an accessible copy of 14 CFR part 382 from DOT's Disability Hotline or by calling, emailing or writing DOT's Aviation Consumer Protection Division and [2] how to obtain disability-related assistance from DOT's Disability Hotline or the Department's Aviation Consumer Protection Division.

The disability community in the Workgroup Petition for Rulemaking recommended a broader rule than that proposed by the instant NPRM. It recommended that § 382.45(a) require carriers to make available a copy of part 382 at each airport in accessible formats. Air carriers opposed such a requirement stating:

''Carriers cannot support the proposed requirement [in proposed 382.45(f)]. It would impose an unnecessary and costly burden on the airlines, with little or minimal value over existing procedures. Under current (d), a copy of Part 382 must be available for review upon request. Part 382 is available on the DOT website in accessible formats. Moreover, the DOT Disability Hotline is available to assist passengers with disabilities in understanding the requirements of Part 382 should they experience difficulties at an airport. We recall, as well, that we received some support from the deaf and hard of hearing and deaf-blind community on this.''

After considering both arguments, the Department is proposing to continue the existing section 382.45 language in the instant document for three primary reasons. First, the proposal of the disability community in the Workgroup Petition for Rulemaking is overly broad in requiring that part 382 be made available in accessible formats at airports. That proposal may require carriers to identify all conceivable accessible formats and to provide part 382 in each of these formats. Such broad language is likely to result in a disjunct between what the disability community believes to be the universe of accessible formats and the accessible formats provided by carriers. Second, the Department makes available part 382 in accessible formats. Third, it is reasonable to assume that many individuals requesting a copy of part 382 also have questions about their rights under this part. Given this assumption, the Department believes that it would be more useful for such individuals to have carriers provide them with information on how to contact DOT to obtain an accessible copy of part 382 and receive assistance regarding disability-related air travel problems. Thus, DOT is proposing to require that, upon request, U.S. and foreign air carriers provide passengers with information on how to obtain an accessible copy of part 382 and disability-related assistance from DOT. The Department also seeks comment about the potential costs to U.S. and foreign carriers and benefits to passengers if it were to require that carriers have accessible copies of part 382 available at all airports for U.S. services.

7. Section 382.51 What requirements must carriers meet concerning the accessibility of airport facilities?

Proposed § 382.51 requires U.S. and foreign carriers, with respect to terminal facilities they own, lease, or control at a U.S. airport, to : (1) Enable and keep on at all times the captioning feature, if such a feature exists on the effective date of this proposed rule, on all televisions and other audio-visual displays providing safety, information or entertainment content in those portions of the airport that are open to general public access; (2) enable, upon request, the captioning function, if such a feature exists on the effective date of this proposed rule, on televisions and audio visual displays in restricted passenger access areas (*e.g.* clubrooms); (3) replace non-caption-capable televisions and audio-visual displays with televisions and audio-visual displays that have captioning capabilities as those devices are replaced in the normal course of operations and/or when applicable airport facilities undergo substantial renovation or expansion; and (4) equip with captioning capability newly acquired televisions and other audio-visual displays for passenger entertainment. This is a new requirement that is not contained in the current version of part 382 or the November 4, 2004, NPRM.

The Department requests comments as to whether there are any instances where a carrier may lease a terminal facility at a U.S. airport but the airport retains control over the televisions and other audio-video displays in that facility. If such instances exist, the Department would consider requiring carriers and U.S. airports to work together to enable captioning on audio-visual equipment (including televisions) that have captioning capability and to replace non-caption capable audio-visual displays with captioning capable technology. The Department believes that airports and carriers have worked together for decades to find a basis for agreement on a wide variety of air transportation matters, so the concept of airports, which are subject to the Americans with Disabilities Act, and air carriers working together to determine how captioning will be provided would not be difficult.

In drafting the proposed § 382.51, the Department assumed that most televisions currently in use at U.S. airports will have captioning capabilities because all televisions with screens of 13″ or larger, made or sold in the U.S. since July 1, 1993, are required by federal law to have captioning capabilities. Because of this, DOT believes and the regulatory evaluation supports that requiring carriers to enable the captioning feature should not be costly or otherwise onerous. The Department's assumption is supported by the fact that in the Workgroup Petition for Rulemaking the air carriers proposed the following language which is nearly identical to that proposed in § 382.51(a)(5) in this NPRM:

All televisions and other audio-video displays presently provided for passenger entertainment by and under the control of air carriers in the terminal (e.g. passenger lounges and gate areas), to the extent such televisions and other audio-video displays are presently capable of having caption display, shall have the captioning enabled at all times when the television or video display is in operational [sic]. Such television or other audio video displays with captioning capabilities maintained in private areas (e.g., club facilities) will be turned on by the carrier upon request. These provisions will become mandatory one hundred eighty days after the effective date of the regulation.

Given the substantial similarity between the proposed § 382.51(a)(5) and the language suggested by air carriers in the Workgroup Petition for Rulemaking, it appears that carriers have considered any costs of the requirement and their ability to implement it and have found its implementation to be feasible. The Department seeks comment on these assumptions, as well as the feasibility of the requirements in the proposed § 382.51(a)(5).

In the Workgroup Petition for Rulemaking, carriers also requested a 180-day waiting period for this provision to become effective. The Department has not adopted this proposal. The requirements of § 382.51(a)(5) do not require new equipment or construction. Rather, compliance with this section is a matter of providing the training necessary to turn on the captioning feature of a television or other audio-visual display. Such training, which if done by an individual at home would require the perusal of the television manual, does not appear to require a lengthy amount of time or in-depth instruction. Given the straightforward nature of the implementation involved in complying with proposed § 382.51(a)(5), DOT believes that the thirty day implementation period for the rule as a whole is adequate. DOT seeks comment on reasons that a longer time frame may be necessary.

In the Workgroup Petition for Rulemaking the disability community proposed that § 382.51(a)(5) contain the following additional sentence: ''Captioning must be high contrast, such as white letters on a consistent black background.'' The air carrier Workgroup participants did not include such language in their proposal but did not oppose its inclusion. Section 382.51(a)(5) does not adopt the disability community's high-contrast captioning language in this particular subsection because section 382.51(a)(5) requires carriers to use any captioning feature already installed on their televisions and other audio-visual

displays. It may be possible that certain televisions and audio-visual devices do not have a high-contrast captioning feature but have another type of captioning feature. Under the proposed § 382.51(a)(5) carriers would be required to enable the captioning feature even if it were not high-contrast. Under the language of proposed § 382.51(a)(5), if the features of the television or other audio-visual display allow for it, high-contrast captioning must be enabled. The Department seeks comment on whether televisions and other audio visual displays equipped with captioning features would necessarily have high-contrast captioning, whether such televisions and audio-visual displays may have some type of captioning other than ''high-contrast'' (*e.g.,* low or medium contrast), and whether the availability of high-contrast captioning as opposed to another type of captioning depends on the age, cost or screen size of the television or other audio-visual display. The Department seeks comment on whether its assumptions in adding the final sentence of proposed § 382.51(a)(5) are correct and/or appropriate.

Section 382.51(a)(6) in this NPRM addresses televisions and audio-visual displays that do not have captioning features on the effective date of this proposed rule. It proposes to require carriers to supply televisions and other audio-visual displays equipped with high-contrast captioning when [1] carriers replace televisions and other audio-visual devices in the normal course of operations; or [2] the area of the airport terminal in which the non-caption-capable devices are located undergoes substantial renovation or expansion. Under the first situation, if a carrier, in the normal course of operation, replaces an individual television or audio-visual device that does not have high-contrast captioning capabilities (*e.g.,* because a television or other audio-visual device becomes inoperable, the carrier decides to replace several old, low quality, television sets or other audio visual devices) then it must replace it with a television or audio-visual device capable of displaying high-contrast captions.

Under the second situation, proposed § 382.51(a)(6) is triggered when a carrier undertakes substantial renovation or expansion of a portion of the airport which it owns, leases or controls. Carriers would be required to replace any television or other audio-visual device present in an area undergoing substantial renovation or expansion that is not capable of high-contrast captioning, even if the renovation or expansion did not require or contemplate the replacement of audio-visual equipment. For example, if a carrier plans to replace the carpeting, seats, and podiums/counters in one of the terminals over which it has control (*i.e.,* substantial renovation), it must replace any televisions and audio-visual devices that are not high-contrast-caption-capable with high-contrast-caption-capable devices even if such replacement were not part of the original renovation plan.

Air carriers in the Workgroup Petition for Rulemaking proposed a narrower replacement rule as follows:

> To the extent that televisions and other audio-video displays for passenger entertainment are included in expansion or renovation plans on or after the effective date of this regulation for airport areas controlled by air carriers, these televisions and other audio-video displays for passenger entertainment shall be equipped with captioning capability.

The Department has rejected this language and proposes the slightly broader language of § 382.51(a)(6) because of the minor cost of replacing televisions and audio-visual displays as compared to the significant costs associated with substantial renovations and expansions. The Department also believes that § 382.51(a)(6) as proposed will not require the replacement of many televisions or other audio-visual displays given that most televisions and audio-visual displays in use at airports incorporate such capabilities by federal law. The Department seeks comment on the reasonability of requiring carriers to replace non-caption-capable audio-visual equipment located in areas of substantial renovation or expansion particularly if replacing these items was not part of the original renovation plan and whether there are renovation costs (e.g. rewiring) that we have not considered. The Department further seeks comment on whether the terms ''substantial renovation'' and expansion provide enough guidance for industry compliance. Also, the Department requests comment as to whether there are any instances where the audio-visual equipment may be part of an airport-wide system that extends beyond areas of substantial renovation or expansion.

In the Workgroup Petition for Rulemaking the disability community proposed that carriers be required to ensure that all televisions and audio-visual displays provided for passenger information and entertainment by and under the control of carriers have captioning capabilities within 180 days of the date that the final rule is issued. The Department has not adopted this proposal because of cost considerations. The Department seeks comment on whether it should require carriers to ensure that all airport televisions and audio-visual equipment under their control contain high-contrast captioning capability within 180 days of the date that the final rule is issued.

8. Section 382.53 What accommodations are required at airports for individuals with a vision and/or hearing impairment?

This NPRM proposes to require carriers to provide the same information to deaf, hard of hearing and deaf-blind individuals in airport terminals that it provides to other members of the public. This information must be provided in a prompt manner when such individuals identify themselves as needing visual and/or auditory assistance. Currently, § 382.45(c) requires carriers to provide timely access to ''information the carrier provides to other passengers in the terminal or on the aircraft * * * *including, but not limited to*, information concerning ticketing, flight delays, schedule changes, connections, flight check-in, gate assignments, and the checking and claiming of luggage'' and ''aircraft changes that will affect the travel of individuals with a disability.'' The November 4, 2004, NPRM, proposed to change the rule by requiring U.S. and foreign air carriers to provide the information ''promptly'' upon request and to ensure that information provided to the general public is provided to individuals who are deaf, hard of hearing or deaf-blind who request the information at ''each gate, baggage claim area, ticketing area, or other terminal facility that [the carrier] own[s], lease[s], or control[s] at any U.S. airport.''

There are three elements to the proposed provision in the instant NPRM. First, it includes the proposed requirement from the November 4, 2004, NPRM, that carriers provide information ''promptly'' to requesting individuals. Second, the instant NPRM also expands the current list of specific examples of information carriers must provide upon request. Third, the instant NPRM changes the language in the current Part 382 and applies to information ''at each gate, baggage claim area, ticketing area, or other terminal facility'' owned, leased, or controlled by U.S. and foreign carriers.

Section 382.53 in the instant NPRM proposes to require carriers to provide the same information provided to the general public to requesting individuals who are deaf, hard of hearing or deaf-blind promptly. The current rule, § 382.45(c), requires carriers to provide

the information in a ''timely'' manner. The November 4, 2004, NPRM required that carriers provide the information ''promptly.'' The instant NPRM also requires that the information be provided ''promptly.'' In requiring the prompt provision of information to requesting deaf, hard of hearing and deaf-blind passengers the Department believes that it is requiring that carriers transmit information at a faster pace than currently required by the ''timely'' standard in § 382.45(c). DOT considered requiring the transmission of equal information ''simultaneously,'' but rejected this standard as being unworkable in practice. Thus, by requiring U.S. and foreign air carriers to provide ''prompt'' access to information equal to that provided to the public, the Department is proposing a standard between ''timely'' and ''simultaneously.'' The Department seeks comment on this change, including whether the standard and the discussion above is adequate to allow carriers to identify their duties under the rule.

With respect to carrier compliance in providing prompt access to the same information provided to the general public to passengers who are deaf, hard of hearing and deaf-blind, § 382.53 proposes a performance standard (e.g. ''prompt'') rather than requiring that carriers use a specific medium (e.g., LCD displays screens, wireless pagers, etc.). DOT believes that using a performance standard allows carriers to design a compliance plan that best suits their needs as an organization and to consider such factors as customer base, location of operation, and passenger flow. The Department is aware of four potential mechanisms that could be used alone or in conjunction with each other to communicate with individuals who are deaf or hard of hearing: Whiteboards (*i.e.*, a white smooth, erasable board on which carrier personnel could easily write all notifications provided orally to the public and also easily remove such information to make room for more current information), LCD displays, restaurant type or wireless pagers, and handwritten notes. Carriers may choose any one of these methods or alternative methods that meet the promptness standard.

However, the Department is concerned that there may not be readily available methods of communicating with individuals who are deaf-blind although it recognizes that there are different levels of both deafness and blindness and that the combination of severities in deaf-blind persons varies according to the individual. The methods the Department is aware of take time or require special training as they consist of: (1) Using a finger to write in block letters on the palm or forearm of the individual who is deaf-blind (block printing); (2) using an index card with the letters of the alphabet raised to enable the communicator to place the fingertip of the deaf-blind person's index finger on the desired letters to feel the shape of the raised letter; and (3) tactile signing or fingerspelling where the deaf-blind person feels the shape of the signs by placing his or her hands on top of the signer's hands. The Department is not proposing to require carriers to use any of the aforementioned methods to communicate with deaf-blind individuals. We specifically request comment regarding other less specialized methods of communicating with individuals who are deaf-blind. If less specialized methods are not available, we seek comment as to whether the Department should limit the requirement for carriers to provide prompt access to the same information provided to other passengers at airports and on aircraft to individuals with *vision or hearing* impairments rather than to individuals with *vision and/or hearing impairments*. The Department also seeks comment on whether it should maintain a performance standard or require compliance in a certain manner. Further, the Department requests information about the methods that carriers are currently using to comply with § 382.45(c) as well as methods other than those mentioned above that may be used to comply with the proposed requirement to provide prompt information in the terminal and aircraft.

In a related matter, DOT has decided not to adopt the proposal that deaf and hard of hearing individuals not be required to self-identify as needing auditory assistance. Such a proposal would turn the performance standard into a requirement for a specific type of accommodation to accommodate these individuals (*e.g.*, LCD displays). A key component of proposed § 382.53 is that deaf, hard of hearing and deaf-blind passengers identify themselves to carrier personnel as needing auditory and/or visual assistance. The disability community representatives of the Workgroup oppose such a requirement and state that passenger information ''should be made available automatically in audio and visual formats and without requirement or expectation that a carrier be informed of the need for communication accommodations.'' Carriers disagreed stating that a rule that did not require deaf, hard of hearing and deaf-blind passengers to self-identify would be unnecessarily costly. The Department agrees with the carrier representatives that a rule requiring transmission of information accessible to deaf, hard of hearing and deaf-blind individuals irrespective of whether or not there are individuals needing such information would be unnecessarily costly, and we also conclude that the burden of self-identification to passengers is minimal in comparison to the cost of the alternative. Consequently, we are maintaining the self-identification requirement in the proposed § 382.53.

DOT believes that eliminating the self-identification requirement would be costly because it would limit the compliance options available to carriers. A rule requiring transmission of information in formats accessible to deaf, hard of hearing and deaf-blind individuals at all times regardless of whether any individual self-identifies as needing visual or auditory assistance or both would eliminate or increase the cost of the various methods currently available to carriers to comply with the requirement that they provide timely information to individuals who are deaf, hard of hearing, or deaf-blind. For example, such a rule would eliminate the use of wireless or restaurant type pager systems because both systems require that carriers provide pagers to passengers who self-identify as needing assistance. Eliminating the self-identification requirement would remove a carrier's ability to assign pagers to those who request auditory or visual accommodation or require carriers to give pagers to every passenger, which would be costly and unworkable. A rule requiring transmission of information in formats accessible to deaf, hard of hearing and deaf-blind individuals irrespective of receipt of a request for such information, may also increase the personnel costs of carriers using whiteboards. Carrier personnel would have to immediately write all public announcements down on a whiteboard at every gate for every flight. This would likely require continued and regular diversion of personnel from gate desk or boarding duties to write public announcements on a whiteboard or the assignment of additional personnel to ensure proper transmission of accessible information via whiteboard and adequate operation of the gate desk and boarding process. The use of LCD screens, estimated to cost $1900 per screen (plus $800 for computer chips and a keyboard to control up to four

screens), would be costly and, similar to the whiteboard solution, would require increased personnel time to input each public announcement onto the LCD displays.

Furthermore, the benefit to deaf, hard of hearing and deaf-blind passengers does not appear to substantially increase by requiring carriers to transmit accessible information irrespective of self-identification. Thus, the increased cost as compared to the little or no increased benefit to disabled consumers, weighs in favor of maintaining the self-identification portion of proposed § 382.53. The Department seeks comment on potential benefits of eliminating the self-identification clause of proposed § 382.53 that it may not have considered as well as the potential costs associated with doing so.

With regard to the second proposed change, proposed § 382.53(a)(2), which addresses information provided in airports, adds the following specific information to the current list: flight cancellations, boarding information, volunteer solicitation on oversold flights (*e.g.* offers of compensation for surrendering a reservation, individuals being paged by airlines), and emergencies (*e.g.* fire, bomb threat etc.).

In support of this expanded list in the Workgroup Petition for Rulemaking, the disability community representatives stated:

> Air carriers routinely provide much information important to successful and enjoyable air travel. In addition to safety briefings and emergency announcements, typical air travel involves airline announcements such as gate agents paging a passenger (to resolve a ticketing issue, etc.), gate changes, preboarding, flight delays, boarding instructions, movie selections, and other non emergency information. If an airline provides information to all its passengers, it should make sure that information is accessible to all its passengers, not just those who can hear or see. It's paternalistic for airlines to predetermine what passenger information is important to a passenger with a hearing disability, and to limit the information available to that passenger. At a minimum, any information provided by the airlines over a public address/loudspeaker should be provided simultaneously in formats accessible to passengers who have hearing loss.

Air carriers objected to the expanded list of airport terminal information stating: ''The current regulatory language in subsection (c) is the only essential information carriers should be required to provide individuals in the terminal.''

In proposing the expanded lists, DOT aims to clarify that in airport terminals and on aircraft, airlines must provide the same information to passengers with hearing and visual disabilities as it provides to non-disabled passengers via public address or other means. The term ''clarify'' is used because DOT believes that even under the current § 382.45(c) a carrier is required to provide timely the same information given to non-disabled passengers, including the items listed in proposed § 382.53(a)(2). Both the current § 382.45(c) and proposed § 382.53(a)(2) specifically require carriers to ensure that deaf, hard of hearing and deaf-blind passengers have timely access to information the carrier provides to other passengers in the terminal and on aircraft. Both the current and proposed rules contain the language ''including, but not limited to'' immediately prior to the specific list. Therefore, to the extent carriers have interpreted this requirement as being limited to the items in the specific list or to communications the carrier deems essential, that is in error. Neither the plain text of § 382.45(c) nor proposed § 382.53(a)(2) use the term ''essential'' to define the type of information carriers are required to provide to deaf, hard of hearing and deaf-blind individuals who identify themselves as requiring accommodation. The Department seeks comment on the items contained in the proposed lists and whether additional items should be added. The Department also seeks explanation and justification for the carriers' assertion that the only type of information carriers should be required to make available to passengers who are deaf, hard of hearing and deaf-blind is ''essential'' information.

With regard to the third proposed change, the current § 382.45(c) requires that carriers ''ensure that qualified individuals with a disability * * * have access to information the carrier provides to other passengers in the terminal * * *'' The November 4, 2004, NPRM, § 382.53(a)(1)(i), proposed to require U.S. carriers to ''make this information available at each gate, baggage claim area, ticketing area, or other terminal facility that you own, lease, or control at any U.S. or foreign airport.'' The instant NPRM maintains this language from the November 4, 2004, NPRM. The Department does not believe that this change in language expands the areas within the airport terminal where carriers are obliged to provide accessible information upon request from individuals who are deaf, hard of hearing, or deaf-blind. Rather, the Department believes that the language in the instant and November 4, 2004, NPRMs is more specific and illustrative than the word ''terminal.'' The Department seeks comment on the currently proposed language.

The disability community in the Workgroup Petition for Rulemaking also proposed that § 382.53 require carriers to ''include training to proficiency in basic visual, auditory and tactile methods for communicating effectively with passengers who have visual, hearing or other disabilities affecting communication.'' The disability community asserts that this clause is necessary ''to remove the excuse that communication accommodations were not provided because the employee ''didn't know how''.'' The Department has proposed a provision in proposed § 382.141 to require training to proficiency in basic visual and auditory methods, and believes that it is unnecessary to include it in § 382.53 as well. The Department seeks comment on the necessity and efficacy, if any, of including this proposed training requirement in section § 382.53 as well as § 382.141.

9. Section 382.69 What requirements must carriers meet concerning the accessibility of videos, DVDs and other audio-visual presentations shown on board aircraft to individuals who are deaf and hard of hearing?

The NPRM proposes to increase the accommodations required on aircraft for individuals who are deaf and hard of hearing by: [1] Requiring U.S. and foreign carriers within a specified time-period to caption all safety and informational videos on aircraft; and [2] requiring U.S. and foreign air carriers to provide high-contrast captioning on entertainment videos, DVDs and other audio-visual displays on new aircraft. Under the current rule, § 382.47(b), aircraft that present safety briefings by video must make such video presentations accessible to persons who are deaf or hard of hearing. Under the current rule, aircraft may be exempt from this requirement if open captioning or an inset would interfere with the video presentation such that the video was ineffective, or the captioning or inset was unreadable. The November 4, 2004, NPRM does not address these issues.

With regard to the captioning of safety and informational videos, proposed § 382.69(a) makes three changes to the current rule, § 382.47(b). The proposed § 382.69(a) eliminates the current exemption where use of captioning or an inset would render the video ineffective, requires the captioning of informational videos, DVDs and other audio-visual displays shown on aircraft, and sets a timetable for compliance with its provisions (180 days from effective date of the rule to caption audio-visual displays played for safety purpose and

240 days from effective date of the rule to caption audio-visual displays played for informational purpose).

Proposed § 382.69(a) eliminates the permanent exemption for captioning of safety videos where the use of captioning or a sign language inset would render the safety video ineffective. U.S. carriers may still benefit from the safety video exemption for up to 180 days after this rule's effective date, while they are taking measures to comply with this section of the rule. We propose that foreign carriers, similar to U.S. carriers, be given 180 days to comply with the section proposing to require high-contrast captioning on videos, DVDs and other audio-visual displays played for safety purposes on an aircraft; however, foreign carriers are not required to make the stop-gap measures required of U.S. carriers in proposed § 382.69(a)(1)(i). Under proposed § 382.69(a)(1) U.S. and foreign carriers must adequately and effectively caption safety and informational videos, DVDs and other audio-visual displays such that the captions are usable by deaf and hard of hearing individuals. In removing the current permanent exemption applicable to safety videos, it is the Department's intent that carriers find a way to caption all audio-visual safety, as well as informational materials such that they are usable by passengers with and without disabilities. It is notable that during the 180-day compliance period U.S. carriers are not required to take any temporary measures with regard to informational videos unlike the requirement with respect to safety videos. The Department seeks comment on the continued need for a permanent exemption clause applicable to safety videos in the on-board captioning rule. The Department also seeks comment on the technical feasibility of captioning all safety and informational videos, DVDs and other such audio-visual displays. Specifically, the Department seeks comment on whether carriers will be able to caption all safety and information videos, DVDs and other audio-visual displays such that the videos are useful to individuals with and without auditory disabilities.

With regard to the extension of the rule to include new and existing informational videos, DVDs and audio-visual displays, the definition of ''informational'' is discussed above in connection with § 382.3 and does not require further discussion in this section. The Department does, however, seek comment on the extension of the aircraft captioning requirement to informational videos, DVDs and other audio-visual equipment. The Department also seeks comment on the feasibility of meeting the implementation timetable set in the proposed rule (*e.g.*, Is 240 days sufficient time for U.S. and foreign air carriers to provide high-contrast captioning on videos, DVDs and other audio-visual displays played for informational purposes on an aircraft? Should foreign air carriers be provided additional time to implement the proposed requirement for high-contrast captioning on videos, DVDs and other audio-visual displays played for safety purposes, particularly since U.S. carriers operating aircraft with video safety briefings were required since 1990 to phase in captioned tapes as old tapes were replaced?).

Section 382.69(b) also proposes to require carriers to provide high-contrast captioning on all videos, DVDs and other audio-visual displays presented for entertainment purposes in new aircraft. Proposed § 382.69(b) defines ''new'' aircraft as those ordered after the effective date of the rule or delivered more than two years after the effective date of the rule. Under proposed § 382.43(c) ''new'' aircraft also include each aircraft whose cabin audio-visual elements have been replaced after the effective date of this rule. The disability community in the Workgroup Petition for Rulemaking proposed a broader rule that would require the captioning of entertainment videos, DVDs and other audio-visual equipment on existing and new aircraft within 60 days of the effective date of this rule. The disability community stated that it did not believe the captioning of such videos would be difficult given that airlines provide ''multilanguage captioned videos/DVDs on international flights.'' The air carrier community in the Workgroup Petition for Rulemaking stated only that the captioning of entertainment videos ''raise[s] a number of significant and problematic issues that will need to be discussed in length.''

The Department is not proposing to require the captioning of entertainment videos on existing aircraft because of its belief that the costs associated with such required captioning would outweigh the benefits. As stated in the regulatory evaluation, providing captioning for in-flight entertainment systems would require the installation of equipment on an aircraft's audio-visual system as a whole or on its individual audio-visual units. That is, each solution for captioning entertainment videos, DVDs, or other audio-visual systems on aircraft would require small construction/installation projects on each aircraft. Along with such construction-like projects comes the removal of aircraft from the flight schedule so that the work can be done. DOT does not believe that it is reasonable to propose a rule requiring carriers to undertake such modifications to ensure the accessibility of entertainment materials. This is in contrast to requiring the enabling of already existing captioning functions which does not require any construction-like installation, but only requires the pressing of buttons that already exists on the television or audio-visual equipment. The Department seeks comment on whether to require that carriers ensure the captioning of entertainment videos, DVDs and other audio-visual displays on existing aircraft.

However, the Department believes that the incremental cost of ensuring the accessibility of videos, DVDs and other audio-visual systems used for entertainment on new or substantially refurbished aircraft would be minimal. This belief is informed by the analysis and research done in the regulatory evaluation. As a result, proposed § 382.69(b) requires such entertainment systems on new aircraft to provide high-contrast captioning. The Department seeks comment on the proposed requirement that air carriers provide high-contrast captioning on all videos, DVDs and other audio-visual displays shown for entertainment purposes on ''new'' aircraft, including the costs, benefits and feasibility thereof.

For purposes of proposed § 382.69(b), ''new'' aircraft are aircraft ordered after the effective date of this rule or delivered more than two years following the effective date of this rule, or aircraft whose cabin audio-visual elements are replaced after the effective date of this rule. With respect to the refurbishment provision the Department has chosen language that would not deter carriers from updating their aircraft in small increments, particularly accessibility features. An older aircraft must have its audio-visual displays replaced in order to trigger the captioning requirements in this section. Less substantial aircraft renovations would not require cabin audio-visual displays used for entertainment purposes to be captioned. (Such audio-visual displays may have to be fitted for captioning if they also provide safety and/or informational materials.) It is notable that the definition of ''new'' in proposed § 382.69(b) adopts a substantial portion of the language and requirements of current §§ 382.21(a) and (c). The Department seeks comment on its definition of ''new'' as proposed by this subsection of the instant NPRM.

10. Section 382.119 What accommodations are carriers required to provide on aircraft for individuals with a vision and/or hearing impairment?

The NPRM addresses accommodations U.S. and foreign air carriers must provide upon request to individuals with vision and/or auditory impairments on board aircraft. Like its airport terminal counterpart, proposed § 382.119(a) requires foreign and U.S. air carriers, upon request, to provide deaf, hard of hearing, and deaf-blind individuals with the same information provided to non-disabled passengers in a prompt manner. By way of example, proposed § 382.119(a)(1) specifies the following list: ''flight safety, procedures for take-off or landing, flight delays, schedule or aircraft changes, diversion to a different airport, scheduled departure and arrival times, boarding information, weather conditions, beverage and menu information, connecting gate assignments, claiming of baggage, individuals being paged by airlines, aircraft changes that affect the travel of persons with disabilities, and emergencies (*e.g.*, fire, bomb threat, etc.).'' Currently, § 382.45(c) requires carriers to provide timely access to ''information the carrier provides to other passengers in the terminal or on the aircraft.''

Section 382.119 makes two changes to the current rule and/or the November 4, 2004, NPRM. First, the instant NPRM incorporates the proposed requirement from the November 4, 2004, NPRM, that carriers provide information ''promptly'' to requesting individuals. Second, the instant NPRM also expands the current list of specific examples of information carriers must provide upon request. The change of the standard from ''timely'' to ''prompt'' is fully discussed above and does not necessitate further discussion in this section. The Department seeks comment on whether the change from ''timely'' to ''prompt'' is appropriate with regard to the provision of information on-board aircraft.

With regard to the second change to the currently effective § 382.45(c), proposed § 382.119(a)(1) adds the following: Procedures for take-off and landing, diversion to a different airport, scheduled departure and arrival times, weather conditions, beverage and menu information, connecting gate assignments, individuals being paged by airlines, and emergencies (*e.g.* fire, bomb threat, etc.). The addition of specifics was discussed above under proposed § 382.53. The fact that the additions to § 382.45(c) proposed in the instant rule are different than the proposed changes addressed under § 382.53 results from the change of the location covered by the provisions from the airport terminal to the aircraft. The Department seeks comment on the specifics contained in the proposed list in the instant section.

11. Section 382.141 What training are carriers required to provide for their personnel?

Proposed § 382.141 would require carriers to train their employees to recognize requests for communication accommodations by individuals with vision or hearing impairments and to use the most common methods that are readily achievable for communicating with such individuals. In further defining this requirement, proposed § 382.141 requires carriers to train their employees to proficiency in basic visual and auditory methods for communicating with passengers who have visual, hearing or other disabilities affecting communication. This is a new requirement and, as such, does not appear in current part 382, nor in the November 4, 2004, NPRM.

By proposing that carriers train their employees to communicate with individuals with hearing impairments, the Department is not proposing to require carriers to train their employees to use sign language but rather to train their employees about the common methods that are readily achievable that could be used alone or in conjunction with each other to communicate with individuals who are deaf or hard of hearing (*e.g.*, handwritten notes). The Department seeks comments on whether use of the terms ''common methods'' and ''readily available'' provides sufficient guidance to carriers on how to fully comply with this training requirement. The Department also seeks comments on the type of training that would be involved in meeting the proposed requirement, and on the effect, feasibility and necessity of expanding proposed § 382.141 to require carriers to train their employees to communicate with deaf-blind individuals.

12. Reference Table

Current rule text	New proposed rule text
§ 382.23(e)	§§ 382.51(a)(5), (6), (7), & (8).
§§ 382.35(b) & (c)	§§ 382.29(b)(4) & (c).
§ 382.45(c)	§§ 382.43(a)(1) & (2).
§ 382.47(a)	§ 382.43(d).
§ 382.47(b)	§ 382.43(b)(1), (b)(2) & (c).
§ 382.61(a)(4)	§ 382.141.

Regulatory Analysis and Notices

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

This proposal, if adopted as a final rule, would meet the criteria under Executive Order 12866 or the Department of Transportation Regulatory Policies and Procedures for a significant rule because of public interest, the international implications of the proposals, and its relationship to a larger November 2004 NPRM of the Air Carrier Access Act deemed to be significant.

To improve air travel by deaf, hard of hearing and deaf-blind individuals, this NPRM proposes the following alterations and additions to 14 CFR part 382: (1) Air carriers and passengers with disabilities must make reasonable efforts to communicate to facilitate the determination of whether a safety attendant is required; (2) where air carriers require a safety attendant, contrary to a disabled individual's self-assessment that one is not required, the carrier must make reasonable efforts to locate an attendant; (3) on TTY lines for reservation and information, air carriers must install queue or auto attendant features if such are offered to the public via non-TTY telephone lines; (4) carriers must provide requesting individuals with the Department's contact information such that individuals may obtain copies of part 382 and other disability-related information in accessible formats; (5) air carriers must enable captioning functions, where present, on televisions in U.S. airport terminals; (6) air carriers must provide deaf, hard of hearing, and deaf-blind individuals with the same information provided to the public promptly upon request; (7) air carriers must provide high-contrast captioning on all safety

and informational videos on new and existing aircraft within a specified period of time; (8) air carriers must caption entertainment videos on new aircraft; and (9) carriers must train their personnel to recognize requests for communication accommodations and on basic visual, and auditory methods for communicating with deaf, hard of hearing and deaf-blind individuals.

This NPRM would apply to U.S. and foreign air carriers. As proposed and addressed in the November 4, 2004, NPRM, this rule would apply only to foreign aircraft and operations involved with flights beginning or ending at U.S. airports. With regard to equipment-related requirements, as opposed to service requirements, this rule proposes to be limited to U.S. airport facilities.

Because the rule will impose new requirements on U.S. and foreign carriers, the Department has produced a regulatory evaluation for this NPRM. The evaluation estimates that the benefit-cost ratio of the proposed rule is approximately 1.14; that is the benefits of the proposed rule outweigh its costs by fourteen cents for each dollar. The regulatory evaluation estimates that the present value cost of compliance over a 20-year period is $157.43 million for the entire rule. It is further noteworthy that in most cases the benefits of each individual proposal outweigh the costs of each proposal. The proposal regarding employee training is an exception but this proposal is integral to each of the other proposals because training is a necessary component to effectuating all of the proposals, if adopted.

The proposals of this NPRM will increase accessibility to air travel for deaf, hard of hearing and deaf-blind individuals, which provides numerous and important benefits to passengers with disabilities. It is also noteworthy that many of the accommodations proposed by this rule benefit nondisabled individuals (*e.g.*, increased use of signage at airport gates would assist nondisabled individuals who miss announcements made via public address systems in noisy terminals). The regulatory evaluation also estimates that there will be tangible economic benefits to deaf and hard of hearing passengers, as well as U.S. and foreign air carriers in terms of increased revenue from the additional passengers that will be able to travel as barriers to travel are reduced. The regulatory evaluation estimates the benefits to be $179.74 million in 20-year present value terms. The net benefit of the proposed rule is $22.31 million ($179.74 million in benefit minus $157.43 million in cost).

The Department seeks comment on the regulatory evaluations' approach and the accuracy of its estimates of costs and benefits. We specifically request comment and information on the current rate of captioning in the terminal and on aircraft (*i.e.*, the extent to which carriers already provide captioning on the aircraft or at each gate, baggage claim area, ticketing area, or other terminal facility that they own, lease or control at any U.S. or foreign airport). The Department also seeks comment with respect to the assumptions made to quantify the entertainment value of captioning of televisions in airport waiting areas, particularly the estimate that people would be willing to pay 32 cents an hour to watch television at an airport based on the average monthly price of cable service and the average number of hours per month that the average American watches television.

Executive Order 13132 (Federalism)

This NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This notice of proposed rulemaking would not (1) have a substantial direct effect on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) impose substantial direct compliance costs on state and local governments; or (3) preempt state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

Executive Order 13084

This notice of proposed rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because this NPRM does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

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 impact on a substantial number of small entities. We hereby certify that the rule proposed in this notice of proposed rulemaking will not have a significant economic impact on a substantial number of small entities. A direct air carrier or a foreign air carrier is a small business if it provides air transportation only with small aircraft (*i.e.*, aircraft designed to have a maximum passenger capacity of not more than 60 seats or a maximum payload capacity of not more than 18,000 pounds). See 14 CFR 399.73. This NPRM provides low cost alternatives to small carriers by setting standards that allow for inexpensive, ''low tech,'' compliance options (*e.g.*, whiteboards). In addition, the captioning requirements are unlikely to apply to many small carriers, which do not utilize safety, informational, and/or entertainment videos, DVDs or other audio-visual displays. Taking into account the flexibility factors of the NPRM, the regulatory analysis concludes that the cost of compliance with this rule for small businesses will be less than $10,000. Therefore, this rule will not have a significant impact on a substantial number of small businesses.

Paperwork Reduction Act

The proposed rule does not contain information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 2507 *et seq.*).

Unfunded Mandates Reform Act

The Department has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

Issued this 7th day of February, 2006, at Washington DC.

Norman Y. Mineta,

Secretary of Transportation.

List of Subjects in 14 CFR Part 382

Air carriers, Civil rights, Individuals with disabilities, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department is further proposing to amend the proposed rule published at 69 FR 64364, November 4, 2004, as follows:

PART 382—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL

1. The authority citation for 14 CFR part 382 is proposed to be revised to read as follows:

Authority: 49 U.S.C. 41702, 47105, 41712 and 41310.

PART 382—[NOMENCLATURE CHANGE]

2. In 14 CFR part 382, the word ''TDD'' is proposed to be revised to read

''TTY'' wherever it occurs. The term ''telecommunication device for the deaf'' is proposed to be revised to read ''text telephone'' wherever it occurs.

3. Section 382.5 is proposed to be revised to read as follows:

§ 382.5 To whom do the provisions of this part apply?

(a) If you are a U.S. air carrier, this part applies to you with respect to all your operations and aircraft, regardless of where your operations take place, except as otherwise indicated within this part.

(b) Except as otherwise indicated within this part, if you are a foreign air carrier, this part applies to you only with respect to flights that begin or end at a U.S. airport and to aircraft used for these flights. For purposes of this part, a ''flight'' means a continuous journey in the same aircraft or with one flight number that begins or ends at a U.S. airport.

Example 1: A passenger books a nonstop flight from Paris to Chicago. This is a ''flight'' for purposes of this part.

Example 2: A passenger books a journey on a foreign carrier from Washington, DC, to Berlin. The foreign carrier flies nonstop to Frankfurt. The passenger gets off the plane in Frankfurt and boards a connecting flight, on the same or a different foreign carrier, that goes to Berlin. The Washington-Frankfurt leg of the journey is a ''flight,'' for purposes of this part; the Frankfurt-Berlin leg is not (unless it is a code-shared flight with a U.S. carrier, see paragraph (c) of this section).

Example 3: A passenger books a journey on a foreign carrier from New York to Cairo. The plane stops for refueling and a crew change in London. The passengers reboard the aircraft (or a different aircraft, assuming the flight number remains the same) and continue to Cairo. Both legs are parts of a covered ''flight'' for purposes of this part, with respect to passengers who board the flight in New York.

Example 4: In Example 3, the carrier is not required to provide services under this part to a passenger who boards the aircraft in London and goes to Cairo. Likewise, on the return trip, the foreign carrier is not required to provide services under this part to a passenger who boards the aircraft in Cairo and whose journey ends in London.

Example 5: If you are a foreign carrier that actually operates a flight that is also listed as a flight of a U.S. carrier through a code-sharing arrangement, the provisions of this part covering U.S. carriers apply to the flight.

(c) Notwithstanding any other provision of this section, if you are a foreign air carrier that uses a particular aircraft for flights only between foreign airports, and you do not use the aircraft for any flights that begin or end at a U.S. airport, you are not required to comply with the aircraft accessibility requirements of Subpart E (*i.e.*, those addressing movable aisle armrests, accessible lavatories, on-board wheelchairs, and priority space to store passengers wheelchairs) with respect to that aircraft. However, you must comply with the service-related requirements of this part for any flight that is covered by this part (*e.g.*, a code-shared flight).

(d) Unless a provision of this part specifies application to a U.S. carrier or a foreign carrier, the provision applies to both U.S. and foreign carriers.

(e) If you are an indirect air carrier, §§ 382.17 through 382.157 of this part do not apply to you.

(f) Notwithstanding any provisions of this part, you must comply with all FAA safety regulations and TSA security regulations that apply to you.

4. Section 382.29 is proposed to be amended by revising paragraphs (b) introductory text, (b)(4), and (c) to read as follows:

§ 382.29 May a carrier require a passenger with a disability to travel with a safety assistant?

* * * * *

(b) You may require a passenger with a disability in one of the following categories to travel with a safety assistant as a condition of being provided air transportation, if you determine that a safety assistant is essential for safety:

* * * * *

(4) A person who has both severe hearing and severe vision impairments or a person who is deaf-blind, if communication adequate to permit transmission of the safety briefing required by 14 CFR 121.571(a)(3) and (a)(4) or 14 CFR 135.117 (b), cannot be established. Both carrier personnel and passengers with disabilities must make reasonable attempts to establish communication adequate to permit transmission of the safety briefings required by FAA regulations. This duty to make reasonable efforts to establish communication includes, but is not limited to, carrier personnel making reasonable attempts to communicate with individuals with severe hearing and severe vision impairments and to such individuals making reasonable attempts to establish communication with carrier personnel.

(c) If you determine that a person meeting the criteria of paragraph (b)(2), (b)(3) or (b)(4) of this section must travel with a safety assistant, contrary to the disabled individual's self-assessment that he or she is capable of traveling independently, you must not charge for the transportation of the safety assistant and you must make reasonable efforts to provide the individual with a disability with a safety assistant.

* * * * *

5. Section 382.43 is proposed to be amended by revising paragraph (a) and the section heading to read as follows:

§ 382.43 Must information and reservation services of carriers be accessible to individuals who are deaf, hard of hearing or deaf-blind?

(a) If, as a carrier, you provide telephone reservation and information service to the public, you must make this service available to individuals who are deaf or hard of hearing through the use of a text telephone (TTY), as follows:

(1) You must make TTY service available during the same hours as the telephone service is available to the general public.

(2) You must ensure that the response time for answering calls and the level of service provided to TTY-users/callers is equivalent to the response time and level of service provided to the general public (*i.e.*, non-TTY users or callers), including the provision of a queue message if one is provided to the general public.

(3) You must not subject TTY users to charges exceeding those that apply to non-TTY users of telephone information and reservation service.

(4) If you are a foreign carrier, you must meet this requirement by [date one year from the effective date of this part].

* * * * *

6. Section 382.45 is proposed to be revised to read as follows:

§ 382.45 Must carriers make copies of this part available to passengers?

As a carrier, you must keep a current copy of this part at each airport you serve. As a foreign carrier, this means that you must keep a copy of this part at each airport serving a flight that begins or ends at a U.S. airport. You must make the copy available for review by any member of the public on request. You must also provide the following information to any member of the public upon request:

(a) How to obtain an accessible copy of this part. The requestor should be referred to the Department of Transportation's Disability Hotline or the Department of Transportation's Aviation Consumer Protection Division; and

(b) How to obtain disability related assistance from the Department of Transportation's Disability Hotline service or the Department of Transportation's Aviation Consumer Protection Division.

7. Section 382.51 is proposed to be amended by revising paragraph (a) introductory text and adding paragraphs (a)(5) through (a)(7) to read as follows:

§ 382.51 What requirements must carriers meet concerning the accessibility of airport facilities?

(a) As a carrier, you must comply with the following requirements with respect to all terminal facilities you own, lease, or control at a U.S. airport:

* * * * *

(5) To the extent audio-video displays are capable of having caption display on [the effective date of this rule], you must enable the captioning on all televisions and other audio-video displays providing passengers with safety briefings, information or entertainment in the portions of the airport terminal open to all passengers (*e.g.*, passenger lounges and gate areas). In those portions of the airport terminal with restricted passenger access (*e.g.* club facilities), you must, upon request, enable the captioning of television or other audio-video displays. To the extent technically feasible, the captioning must be high-contrast (*e.g.*, white letters on a consistent black background).

(6) To the extent that there are televisions and other audio-video displays providing passengers with safety briefings, information or entertainment that do not have high-contrast captioning capabilities on [the effective date of this rule], you must replace them with televisions and other audio-video displays equipped with high-contrast (*e.g.*, white letters on a consistent black background) captioning capability whenever such devices are replaced in the normal course of operations and/or whenever such portion of the airport facilities are undergoing substantial renovation or expansion.

(7) Televisions and other audio-visual displays for passenger safety briefings, information or entertainment that are newly acquired by carriers [on or after the effective date of the rule] must be equipped with high-contrast captioning capability (*e.g.*, white letters on a consistent black background).

* * * * *

7. Section 328.53 is proposed to be revised to read as follows:

§ 382.53 What accommodations are required at airports for individuals with a vision and/or hearing impairment?

(a) As a U.S. carrier, you must ensure that qualified individuals with a disability who identify themselves as persons needing visual and/or hearing assistance have prompt access to the same information provided to other passengers at each gate, baggage claim area, ticketing area, or other terminal facility that you own, lease or control at any U.S. or foreign airport as described in paragraph (a)(1) of this section below to the extent that it does not interfere with employees' safety and security duties as set forth in FAA, TSA and applicable foreign regulations. As a foreign carrier, you must make this information available at each gate, baggage claim area, ticketing area, or other terminal facility that you own, lease, or control at any U.S. airport. At foreign airports, you must make this information available only at terminal facilities that serve flights that begin or end in the U.S.

(1) The covered information includes, but is not limited to, information concerning flight safety, ticketing, flight check-in, flight delays or cancellations, schedule changes, boarding information, connections, gate assignments, checking and claiming of baggage, volunteer solicitation on oversold flights (*e.g.*, offers of compensation for surrendering a reservation, individuals being paged by airlines, aircraft changes that affect the travel of persons with disabilities, and emergencies (*e.g.*, fire, bomb threat, etc.).

(2) [Reserved]

(b) As a foreign air carrier at a U.S. airport, or a U.S. or foreign air carrier at a foreign airport, you must meet the requirement of this section by [date one year from effective date of this rule].

8. It is proposed that a § 382.69 be added as follows:

§ 382.69 What requirements must carriers meet concerning the accessibility of videos, DVDs and other audio-visual presentations shown on board aircraft to individuals who are deaf and hard of hearing?

(a) As a carrier you must ensure that all videos, DVDs and other audio-visual displays played for safety and/or informational purposes in aircraft are high-contrast captioned (*e.g.*, white letters on consistent black background). You must meet this requirement according to the following timetable:

(1) *Safety briefings.* You must provide high-contrast captioning (*e.g.*, white letters on a consistent black background) on new and existing systems within [a date one-hundred and eighty (180) days after the effective date of this rule.]

(i) Prior to [a date one-hundred and eighty (180) days after the effective date of this rule], you must ensure that video, DVD, and other audio-visual displays addressing safety issues are accessible to deaf and hard of hearing persons by using open captioning or an inset for a sign language interpreter as part of the video, DVD, or other audio-visual presentation unless the open captioning or inset for a sign language interpreter would interfere with the video presentation as to render it ineffective or unreadable. In such circumstances, you may use an equivalent non-video alternative to this requirement. This temporary provision applies only to U.S. air carriers.

(ii) [Reserved]

(2) *Informational briefings.* You must provide high-contrast captioning (*e.g.*, white letters on a consistent black background) on new and existing systems by [a date two-hundred and forty (240) days after the effective date of this rule.]

(b) As a carrier you must also ensure that all videos, DVDs and other audio-visual displays shown for entertainment purposes on new aircraft are high-contrast captioned (*e.g.*, white letters on consistent black background). For purposes of this subsection, new aircraft are aircraft ordered after [insert effective date of this rule] or delivered after [insert date two years from the effective date of this rule], or in which the cabin audio-visual elements have been replaced after [insert the effective date of this rule].

9. Section 382.119 is proposed to be added to read as follows:

§ 382.119 What accommodations are carriers required to provide on aircraft for individuals with vision and/or hearing impairments?

(a) As a carrier, you shall ensure that qualified individuals with a disability who identify themselves as needing visual and/or hearing assistance have prompt access to the same information provided to other passengers in the terminal and on the aircraft as described in paragraph (a)(1) of this section to the extent that it does not interfere with crewmembers' safety duties as set forth in FAA and applicable foreign regulations.

(1) The covered information includes, but is not limited to, information concerning flight safety, procedures for take-off and landing, flight delays, schedule or aircraft changes, diversion to a different airport, scheduled departure and arrival times, boarding information, weather conditions, beverage and menu information, connecting gate assignments, claiming of baggage, individuals being paged by airlines, aircraft changes that affect the travel of persons with disabilities, and emergencies (*e.g.*, fire, bomb threat, etc.).

(2) [Reserved]

(b) As a foreign air carrier at a U.S. airport, you must meet the requirement of this section by [date one year after the effective date of this rule].

10. Section 382.141 is proposed to be amended by revising paragraphs (a)

introductory text, (a)(3) through (6), and (b) introductory text, and adding paragraph (b)(7) to read as follows:

§ 382.141 What training are carriers required to provide for their personnel?

(a) As a carrier that operates aircraft with 19 or more passenger seats, you must provide training, meeting the requirements of this paragraph, for all personnel who deal with the traveling public, as appropriate to the duties of each employee.

* * * * *

(3) You must train your employees to recognize requests for communication accommodations and to use the most common methods that are readily achievable for communicating with individuals who have visual or auditory impairment. As part of this obligation, you must train your employees to proficiency in basic visual and auditory methods for communicating effectively with passengers who have visual, hearing or other disabilities affecting communication.

(4) You must consult with organizations representing persons with disabilities in developing your training program and your policies and procedures.

(5) You must ensure that all personnel who are required to receive training receive refresher training on the matters covered by this section, as appropriate to the duties of each employee, as needed to maintain proficiency.

(6) You must provide, or require your contractors to provide, training to the contractors' employees concerning travel by passengers with a disability. This training is required only for those contractor employees who deal directly with the traveling public, and it must be tailored to the employees' functions. Training for contractor employees must meet the requirements of paragraphs (a)(1) through (a)(5) of this section.

(7) The employees you designate as Complaints Resolution Officials (CROs), for purposes of § 382.151, must receive training concerning the requirements of this part and the duties of a CRO by [date 60 days after the effective date of this rule.] For employees who have already received CRO training, this training may be limited to changes from the previous version of part 382. Employees subsequently designated as Complaints Resolution Officials shall receive this training before assuming their duties under § 382.151. You must ensure that all employees performing the Complaints Resolution Official function receive annual refresher training concerning their duties and the provisions of this part.

(b) As a carrier that operates aircraft with fewer than 19 passenger seats, you must provide training for flight crewmembers and appropriate personnel to ensure that they are familiar with the matters listed in paragraphs (a)(1) and (a)(2) of this section and that they comply with the requirements of this part.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 49

RIN 1219–AB44

Underground Mine Rescue Equipment and Technology

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Request for Information; notice of public meeting.

SUMMARY: MSHA will hold a public meeting to receive comments on specific topics raised in its Request for Information (RFI) published in the **Federal Register** on January 25, 2006 (71 FR 4224). The RFI sought comments, data, and other information on topics relevant to underground mine rescue equipment and technology. The purpose of the meeting is to receive technical information with respect to technology used for underground communications and tracking of underground miners in order to improve mine rescue capabilities in both coal and in metal and nonmetal mines.

DATES: The public meeting will be held on Monday, March 13, 2006 at the National Press Club, 529 14th Street, NW., First Amendment Lounge, 13th Floor, Washington, DC 20045. If individuals or organizations wish to make an oral presentation for the record, they should submit their request at least five days prior to the meeting date. MSHA encourages speakers to request speaking time in advance of the meeting. You may request to speak by contacting the Office of Standards, Regulations, and Variances, at (202) 693–9440 or by e-mail to Yvonne Quinn at *Quinn.Yvonne@dol.gov*. Include the regulatory information number, RIN 1219–AB44, in your e-mail. Any unalloted time will be made available to persons making same-day requests to speak at the meeting.

Members of the public may submit written comments relating to the RFI as set out in the **ADDRESSES** section of this Notice. The post-public meeting comment period will close concurrently with the comment period for the RFI on March 27, 2006.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your request to make an oral presentation at the public meeting or to submit written comments. Clearly identify your request and send it one of the following ways:

(1) Fax: (202) 693–9441. Include RIN 1219–AB44 in the subject line of the fax.

(2) By electronic mail to *comments@msha.gov*. Include RIN 1219–AB44 in the subject line of your electronic mail.

(3) Mail/Hand Delivery/Courier: MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, VA 22209–3939. If hand-delivered in person or by courier, please stop by the 21st floor first to check in with the receptionist before continuing on to the 23rd floor.

Docket: To access comments electronically, go to *http://www.msha.gov* and click on ''Comments'' under ''Rules and Regulations.'' All comments received will be posted without change at this Web address, including any personal information provided. Paper copies of the comments may also be reviewed at the Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2349, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Robert Stone, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939. Mr. Stone can be reached at *Stone.Robert@dol.gov* (Internet e-mail), (202) 693–9440 (voice), or (202) 693–9441 (facsimile).

To subscribe to the MSHA listserve and receive automatic notification of MSHA **Federal Register** publications, visit the site at *http://www.msha.gov/subscriptions/subscribe.aspx*.

SUPPLEMENTARY INFORMATION:

Format of the Public Meeting

The public meeting will begin on March 13 at 8:30 a.m. and is scheduled to end at 5 p.m. Please note that speakers and all members of the public may also submit written documentation to the MSHA panel on the date of the meeting. Any written comments received at the meeting will be included in the public meeting record.

The meeting will be held at the National Press Club, 529 14th Street, NW., First Amendment Lounge, 13th Floor, Washington, DC 20045. The meeting will begin with an opening

statement from MSHA, followed by an opportunity for members of the public to make oral presentations. MSHA is specifically soliciting technical presentations that discuss the following key issues raised in the RFI: underground communications and tracking of underground miners. Please note that MSHA approves all electrically operated equipment taken in by the last open cross-cut in a coal mine as ''permissible'' under Title 30 Code of Federal Regulations, subchapter B. Accordingly, technical presentations should address permissibility and intrinsic safety. Information concerning MSHA's approval programs can be obtained from the MSHA Web site at *http://www.msha.gov*.

The meeting will be conducted in an informal manner. The MSHA panel at the meeting may ask questions of speakers. The presiding official may exercise discretion to ensure the orderly progress of the meeting and may exclude irrelevant or unduly repetitious material and questions. A transcript of the proceeding will be prepared and made a part of the public meeting record. The transcript will be available on MSHA's Home Page at *http://www.msha.gov*, under Statutory and Regulatory Information.

Dated: February 21, 2006.

David G. Dye,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 06–1748 Filed 2–22–06; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD07–05–162]

RIN 1625–AA09

Drawbridge Operation Regulations; N.E. 14th Street, Atlantic Intracoastal Waterway Mile 1055.0 at Pompano, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily amend the regulations governing the operation of the N.E. 14th Street Bridge across the Atlantic Intracoastal Waterway, mile 1055.0, Pompano, Broward County, Florida. This proposed temporary rule provides for solely single-leaf bridge operations between May and June 2006. From July through September 2006, we propose this bridge operate on a single-leaf schedule unless four hour notice is provided for double-leaf openings.

DATES: Comments and related material must reach the Coast Guard on or before March 27, 2006.

ADDRESSES: You may mail comments and related material to Commander (dpb), Seventh Coast Guard District, 909 S.E. 1st Ave, Suite 432, Miami, FL 33131–3050. Commander (dpb) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Branch, Seventh Coast Guard District, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Lieberum, Project Manager, Seventh Coast Guard District, Bridge Branch, 305–415–6743.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD07–05–162], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like 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 proposed temporary rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Bridge Branch, Seventh Coast Guard District, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

PCL Civil Constructors, Inc. on behalf of the Florida Department of Transportation has requested the Coast Guard temporarily change the existing regulations governing the operation of the N.E. 14th Street Bridge across the Atlantic Intracoastal Waterway by allowing single-leaf operation during bridge rehabilitation. The N.E. 14th Street Bridge is located on the Atlantic Intracoastal Waterway, mile 1055.0, Pompano, Florida. The current regulation governing the operation of the N.E. 14th Street Bridge is published in 33 CFR 117.261(cc) and requires the bridge to open on signal except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

Discussion of Proposed Rule

The Coast Guard proposes to temporarily change the operating regulations of the N.E. 14th Street Bridge from May 1, 2006 to September 30, 2006 so that the bridge will operate a single-leaf twice an hour from May 1, 2006 through July 1, 2006. From July 1, 2006 through September 30, 2006, the bridge will operate a single-leaf twice an hour unless four hour notice is given for double-leaf openings.

Regulatory Evaluation

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

We expect the economic impact of this proposed temporary rule to be so minimal that a full Regulatory Evaluation under the policies and procedures of DHS is unnecessary, because the rule will allow for bridge openings during the repairs to this bridge and all closure times will be published with adequate time for mariners to plan accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed temporary rule would not have a significant economic impact on a

substantial number of small entities, because the regulations provide for restricted bridge openings and will provide for the reasonable needs of navigation.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed temporary rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that have questions or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed temporary 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 proposed temporary rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From 7 a.m. on May 1, 2006, through 6 p.m. on September 30, 2006, suspend paragraph 117.261(cc) and add paragraph (uu) to read as follows:

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

* * * * *

(uu) N.E. 14th Street bridge, mile 1055.0 at Pompano. The draw shall open a single-leaf on the quarter-hour and three-quarter hour from May 1, 2006 through July 1, 2006. From July 1, 2006 through September 30, 2006 the draw shall open double leaf upon four hours advance notification to the bridge

tender on VHF channel 16 or the bridge rehabilitation contractor at 772–201–3745. Otherwise, the draw shall open a single leaf on the quarter-hour and three-quarter hour.

Dated: January 9, 2006.

D.B. Peterman,

RADM, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 06–1669 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201

[Docket No. RM 2005–11A]

Notice of Public Hearings: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of Public Hearings.

SUMMARY: The Copyright Office of the Library of Congress will be holding public hearings on the possible exemptions to the prohibition against circumvention of technological measures that control access to copyrighted works. In accordance with the Copyright Act, as amended by the Digital Millennium Copyright Act, the Office is conducting its triennial rulemaking proceeding to determine whether there are particular ''classes of works'' as to which users are, or are likely to be, adversely affected in their ability to make noninfringing uses if they are prohibited from circumventing such technological measures.

DATES: Public hearings will be held in Palo Alto, California on Thursday, March 23, 2006, and Friday, March 24, 2006. Public hearings will also be held in Washington, DC on Wednesday, March 29, 2006, Friday, March 31, 2006, Monday, April 3, 2006, and Tuesday, April 4, 2006, beginning at 9:30 a.m. Requests to testify must be received by 5 p.m. E.S.T. on Friday March 10, 2006. *See* **SUPPLEMENTARY INFORMATION** for additional information on other requirements.

ADDRESSES: The Palo Alto hearings will be held in the Moot Court Room (Room 80) of the Stanford Law School, Crown Quadrangle, Palo Alto, CA. The Washington, DC round of public hearings will be held in the Mumford, Room, LM–649, of the James Madison Building of the Library of Congress, 101 Independence Ave, SE., Washington, DC. *See* **SUPPLEMENTARY INFORMATION** for additional address information and other requirements.

FOR FURTHER INFORMATION CONTACT: Rob Kasunic, Principal Legal Advisor, Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Washington, DC 20024–0400. Telephone (202) 707–8380; fax (202) 707–8366. Requests to testify may be submitted through the request form available at *http://www.copyright.gov/1201/index.html.*

SUPPLEMENTARY INFORMATION: On October 3, 2005, the Copyright Office published a Notice of Inquiry seeking comments in connection with a rulemaking pursuant to section 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. 70 FR 57526 (October 3, 2005). For a more complete statement of the background and purpose of the rulemaking, please see the full record of the previous rulemaking proceedings available on the Copyright Office's Web site at: *http://www.copyright.gov/1201/.*

The 74 initial written comments proposing classes of works to be exempted and the 35 reply comments have been posted on the Office's Web site; *see http://www.copyright.gov/1201/*.

The Office will be conducting public hearings in Palo Alto, California and Washington, DC to hear testimony relating to the proposed exemptions in this rulemaking. Interested parties are invited to submit requests to testify at these hearings. The dates for the hearings in Palo Alto, CA are March 23 and 24. The dates for the Washington, DC hearings are March 29, March 31, April 3, and April 4, 2006. Depending on the number of requests to testify received by the Copyright Office, it may not be necessary to conduct hearings on all of the available days. In addition, the hearings will be organized by subject matter; and while the Copyright Office will attempt to accommodate preferences for particular dates, such accommodations may not be possible.

Requirements for Persons Desiring To Testify

A request to testify must be submitted to the Copyright Office. All requests to testify must clearly identify:

- The name of the person desiring to testify,
- The organization or organizations represented, if any,
- Contact information (address, telephone, and e-mail),
- The class of work to which your testimony is responsive (if you wish to testify on more than one proposed class of work, please state your order of preference),
- A brief summary of your proposed testimony,
- A description of any audiovisual material or demonstrative evidence, if any, that you intend to present,
- The location of the hearing at which you wish to testify (Washington, DC or Palo Alto, CA).
- Preferences as to dates on which you which to testify. *Note:* Because the agenda will be organized based on subject matter, we cannot guarantee that we can accommodate requests to testify on particular dates.

Depending on the number and nature of the requests to testify, it is possible that the Office will not be able to accommodate all requests to testify.

All persons who submit a timely request to testify will receive confirmation by email or telephone. The Copyright Office will notify all witnesses of the date and expected time of their appearance, and the time allocated for their testimony.

Addresses for Requests To Testify

Requests to testify must be submitted via the Copyright Office's website form located at *http://www.copyright.gov/1201/index.html* and must be received by 5:00 E.S.T. on March 10, 2006. Persons who are unable to send requests via the Web site should contact Rob Kasunic, Principal Legal Advisor, Office of the General Counsel at (202) 707–8380 to make alternative arrangements for submission of their requests to testify.

Form and Limits on Testimony at Public Hearings

There will be time limits on the testimony allowed for persons testifying that will be established after receiving all requests to testify. In order to avoid duplicative and cumulative testimony and to ensure that all relevant issues and viewpoints are addressed, the Office encourages parties with similar interests to select common representatives to testify on behalf of a particular position. A timely request to testify does not guarantee an opportunity to testify at these hearings.

The Copyright Office stresses that factual arguments are at least as important as legal arguments and encourages persons who wish to testify to provide demonstrative evidence to supplement their testimony. While testimony from attorneys who can

articulate legal arguments in support of or in opposition to a proposed exempted class of works is useful, testimony from witnesses who can explain and demonstrate pertinent facts is encouraged.

An LCD projector and screen will be available in the hearing rooms. Other electronic or audiovisual equipment necessary for a presentation should be brought by the person testifying. Persons intending to bring such equipment into the Library of Congress, *e.g.,* laptops, slide projectors, etc., are encouraged to give the Office advance notice and to arrive early in order to clear security screening by the Library police.

The Office intends to organize individual sessions of the hearings around particular or related classes of works proposed for exemption. If a request to testify involves more than one proposed exemption or related exemption, please specify, in order of preference, the proposed exemptions on which you would prefer to testify.

Following receipt of the requests to testify, the Copyright Office will prepare an agenda of the hearings which will be posted on the Copyright Office Web site at: *http://www.copyright.gov/1201/* and sent to all persons who have submitted requests to testify. The Copyright Office will also provide additional information on directions and parking for all persons testifying at the Palo Alto, CA round of hearings. To facilitate this process, it is essential that all of the required information listed above be included in a request to testify.

Dated: February 16, 2006.

David O. Carson,

Copyright General Counsel.

[FR Doc. E6–2571 Filed 2–22–06; 8:45 am]

BILLING CODE 1410–30–S

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 219 and 252

RIN 0750–AE93

Defense Federal Acquisition Regulation Supplement; Small Business Programs (DFARS Case 2003–D047)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to small business programs. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 24, 2006, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D047, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2003–D047 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations System, Attn: Ms. Deborah Tronic, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Tronic, (703) 602–0289.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed DFARS changes—

- Update and clarify requirements for contracting with small business and small disadvantaged business concerns; and
- Delete text containing procedures for referring matters to the Small Business Administration; procedures for processing contract awards under the 8(a) Program; and information on the DoD test program for negotiation of comprehensive small business subcontracting plans. Text on these subjects will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI). Additional information on PGI is available at *http://www.acq.osd.mil/dpap/dars/pgi.*

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule updates and clarifies DFARS text, but makes no significant change to DoD policy for contracting with small business concerns. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D047.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 219 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 219 and 252 as follows:

1. The authority citation for 48 CFR parts 219 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 219—SMALL BUSINESS PROGRAMS

2. Section 219.000 is revised to read as follows:

219.000 Scope of part.

This part also implements 10 U.S.C. 2323, which—

(1) Is applicable to DoD through fiscal year 2009; and

(2) Establishes goals for awards to small disadvantaged business (SDB) concerns, historically black colleges and universities (HBCUs), and minority institutions (MIs). See subpart 226.70 for policy on contracting with HBCU/MIs.

219.202–1 [Removed]

3. Section 219.202–1 is removed.

4. Section 219.602 is revised to read as follows:

219.602 Procedures.

When making a nonresponsibility determination for a small business concern, follow the procedures at PGI 219.602.

219.602–1 and 219.602–3 [Removed]

5. Sections 219.602–1 and 219.602–3 are removed.

6. Section 219.702 is revised to read as follows:

219.702 Statutory requirements.

(1) Section 834 of Public Law 101–189, as amended (15 U.S.C. 637 note), requires DoD to establish a test program to determine whether comprehensive subcontracting plans on a corporate, division, or plant-wide basis will reduce administrative burdens while enhancing subcontracting opportunities for small and small disadvantaged business concerns. See PGI 219.702 for the requirements of the test program.

(2) Comprehensive subcontracting plans shall not be subject to application of liquidated damages during the period of the test program (Section 402, Public Law 101–574).

219.703 [Amended]

7. Section 219.703 is amended in paragraph (a)(2)(B) by removing ''Small, Small Disadvantaged and Women-Owned''.

8. Section 219.704 is revised to read as follows:

219.704 Subcontracting plan requirements.

(1) The goal for use of small disadvantaged business concerns shall include subcontracts with historically black colleges and universities and minority institutions (see subpart 226.70), in addition to subcontracts with small disadvantaged business concerns. Subcontracts with historically black colleges and universities and minority institutions do not have to be included in the small disadvantaged business goal in commercial items subcontracting plans.

(2) In those subcontracting plans which specifically identify small businesses, prime contractors shall notify the administrative contracting officer of any substitutions of such firms. Notifications shall be in writing and shall occur within a reasonable period of time after award of the subcontract. Contractor-specified formats shall be acceptable.

(3) See 215.304 for evaluation of offers in acquisitions that require a subcontracting plan.

219.705–2 [Removed]

9. Section 219.705–2 is removed.

10. Section 219.708 is amended by revising paragraph (b)(1) to read as follows:

219.708 Solicitation provisions and contract clauses.

(b)(1)(A) Use the clause at 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), in solicitations and contracts that contain the clause at FAR 52.219–9, Small Business Subcontracting Plan.

(B) In contracts with contractors that have comprehensive subcontracting plans approved under the test program described in 219.702, use the clause at 252.219–7004, Small Business Subcontracting Plan (Test Program), instead of the clauses at 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), and FAR 52.219–9, Small Business Subcontracting Plan.

* * * * *

11. Section 219.800 is amended by revising paragraph (a) to read as follows:

219.800 General.

(a) By Partnership Agreement (PA) between the Small Business Administration (SBA) and the Department of Defense (DoD), the SBA delegated to the Under Secretary of Defense (Acquisition, Technology, and Logistics) its authority under paragraph 8(a)(1)(A) of the Small Business Act (15 U.S.C. 637(a)) to enter into 8(a) prime contracts, and its authority under 8(a)(1)(B) of the Small Business Act to award the performance of those contracts to eligible 8(a) Program participants. However, the SBA remains the prime contractor on all 8(a) contracts, continues to determine eligibility of concerns for contract award, and retains appeal rights under FAR 19.810. The SBA delegates only the authority to sign contracts on its behalf. Consistent with the provisions of the PA, this authority is hereby redelegated to DoD contracting officers. This authority expires on September 30, 2006. A copy of the PA is available at PGI 219.800.

* * * * *

12. Section 219.803 is revised to read as follows:

219.803 Selecting acquisitions for the 8(a) Program.

When selecting acquisitions for the 8(a) Program, follow the procedures at PGI 219.803.

13. Section 219.804–2 is revised to read as follows:

219.804–2 Agency offering.

When processing requirements under the PA, follow the procedures at PGI 219.804–2.

219.804–3 [Removed]

14. Section 219.804–3 is removed.

15. Section 219.805–2 is revised to read as follows:

219.805–2 Procedures.

When processing requirements under the PA, follow the procedures at PGI 219.805–2 for requesting eligibility determinations.

16. Sections 219.808–1 and 219.811 are revised to read as follows:

219.808–1 Sole source.

For sole source requirements processed under the PA, follow the procedures at PGI 219.808–1.

219.811 Preparing the contracts.

For preparing awards under the PA, follow the procedures at PGI 219.811.

219.811–1 and 219.811–2 [Removed]

17. Sections 219.811–1 and 219.811–2 are removed.

18. Section 219.811–3 is amended by revising paragraph (3) to read as follows:

219.811–3 Contract clauses.

* * * * *

(3) Use the clause at 252.219–7011, Notification to Delay Performance, in solicitations and purchase orders issued under the PA cited in 219.800.

219.812 [Removed]

19. Section 219.812 is removed.

20. Section 219.1101 is added to read as follows:

219.1101 General.

The determination to use or suspend the price evaluation adjustment for DoD acquisitions can be found at *http://www.acq.osd.mil/dpap/dars/classdev/index.htm.*

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

21. Section 252.219–7003 is amended by revising the section heading, the

clause title and date, the introductory text preceding paragraph (a), and paragraph (g) to read as follows:

252.219–7003 Small business subcontracting plan (DoD contracts).

* * * * *

SMALL BUSINESS SUBCONTRACTING PLAN (DOD CONTRACTS) (XXX 2006)

This clause supplements the Federal Acquisition Regulation 52.219–9, Small Business Subcontracting Plan, clause of this contract.

* * * * *

(g) In those subcontracting plans which specifically identify small businesses, the Contractor shall notify the Administrative Contracting Officer of any substitutions of such firms. Notifications shall be in writing and shall occur within a reasonable period of time after award of the subcontract. Contractor-specified formats shall be acceptable.

22. Section 252.219–7004 is amended by revising the section heading, the clause title and date, and paragraph (d) to read as follows:

252.219–7004 Small business subcontracting plan (test program).

* * * * *

SMALL BUSINESS SUBCONTRACTING PLAN (TEST PROGRAM) (XXX 2006)

* * * * *

(d) The failure of the Contractor or subcontractor to comply in good faith with (1) the clause of this contract entitled ''Utilization of Small Business Concerns,'' or (2) an approved plan required by this clause, shall be a material breach of the contract.

[FR Doc. 06–1636 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383

[Docket No. FMCSA–1997–2181]

RIN 2126–AA03

Commercial Driver Instruction Permits; Withdrawal

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

ACTION: Notice of Proposed Rulemaking (NPRM), withdrawal.

SUMMARY: FMCSA withdraws its notice of proposed rulemaking (NPRM) on additional minimum Federal standards for State-issued learner's permits that allow drivers to be trained in the operation of commercial motor vehicles (CMVs). The NPRM requesting comments was published on August 22, 1990, at 55 FR 34478. The comment period was extended to November 30, 1990 (55 FR 42741, October 23, 1990). FMCSA determined that the issues addressed in the NPRM and the public comments on these issues do not reflect many initiatives and activities that occurred after publication of the NPRM. Therefore, the 1990 NPRM is obsolete and it is in the public interest to withdraw it.

DATES: The NPRM with request for comments published on August 22, 1990, is withdrawn as of February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Redmond, Senior Transportation Specialist, (202) 366–5014, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The commercial driver's license (CDL) program, established by the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 [Pub. L. 99–570, October 27, 1986, 100 Stat. 3207–170] is an evolving program. Part 383 of Title 49, Code of Federal Regulations, implements the CMVSA (currently codified at 49 U.S.C. 31301 *et seq.*). As of April 1, 1992, it prohibits any person who does not possess a CDL or learner's permit issued by his or her State of domicile from operating a CMV requiring a CDL. The prohibition impacts driver-training activities by limiting trainees to their State of domicile to receive training and behind-the-wheel experience, and take the skills test necessary to obtain a CDL. This creates problems because commercial driver training facilities are not equally available in all States.

To address this and other issues such as lack of uniformity of duration of learners' permits, associated driver history recordkeeping, and test reciprocity between States, the Federal Highway Administration (FHWA) published an NPRM to: (1) Propose standards for issuing a learner's permit; (2) make it easier for out-of-State drivers to obtain on-the-road skills-training operating a CMV; and (3) make it easier for such drivers to obtain a CDL outside their State of domicile. The NPRM proposed additional minimum Federal requirements for a learner's permit, which was referred to as a commercial driver's instruction permit (CDIP). FHWA's intent was to establish minimum standards, uniformity, and reciprocity for commercial instructional permits and to remove impediments to driver training caused by CDL residency requirements.

Effective January 1, 2000, DOT transferred responsibility for motor carrier functions and operations to FMCSA (64 FR 72959, December 29, 1999). In the discussion below, the governing agency is referred to as FMCSA, regardless of whether the action described occurred before or after this transfer of responsibility.

Comments Received on the NPRM

The NPRM requested comments from interested parties by October 22, 1990, and this comment period was later extended through November 30, 1990. As of August 1, 2005, there were 65 submissions to the NPRM docket; the last comment was posted in the docket on October 17, 1995. FMCSA reviewed all comments regardless of submission date. Of the 65 submissions, 58 are directly related to the proposed rule, three are letters addressed to Members of Congress requesting support for the rule, one amended a previous comment, two addressed other issues indirectly related to the proposed rule, and one contains a petition to extend the comment period. The largest single group of commenters was State driver licensing officials. The majority of commenters opposed the proposal put forward by FMCSA, but proposed an alternative approach developed by the American Association of Motor Vehicle Administrators (AAMVA).

Learner's Permit for Out-of-State Residents

Two fundamental issues raised in the 1990 NPRM concerned problems obtaining on-the-road skills-training and taking the CDL skills test in a representative vehicle because States are prohibited from issuing a permit or CDL to a driver not domiciled in that jurisdiction. This limits the ability of drivers to obtain required on-the-road skills-training, and obtain a learner's permit or temporary CDL in States where they are not permanently domiciled.

The NPRM proposed amending 49 CFR 383.23 to allow any jurisdiction where the driver receives training, even if it is not the State of domicile, to issue a learner's permit. The intent was to address the problem that commercial driver training facilities are not equally available in all States.

Many commenters argued that implementation of FMCSA's proposal would be complex. The commenters stated that each jurisdiction would need to develop a list of approved training schools for CMV drivers, and only students in such approved programs would be eligible for out-of-State CDIPs and temporary 60-day CDLs. Additionally, many State licensing agencies argued that each out-of-State CDIP issued would create a second driver history record for that driver, one for the basic license in the jurisdiction of domicile, and one for the CDIP in the jurisdiction where the training occurred. The State licensing agencies expressed concern that the proposal would undermine a fundamental concept of the CDL program, ''one-license, one-record.''

State licensing agencies and AAMVA opposed the prospective administrative burdens associated with an out-of-State CDIP. Seventeen States and AAMVA opposed the out-of-State CDIP proposal, while five States were in favor. There was similar opposition to the proposed subsequent temporary 60-day CDL that would be issued by the State where the training and testing took place. The State of Illinois, for example, claimed the proposals were ''ill-conceived and intrusive to the [one-license, one-record per driver] CDL licensing philosophy.''

While AAMVA and 11 States opposed the NPRM proposal for addressing this issue, they jointly proposed an alternative approach that would uphold the ''one-license, one-record'' concept. Their counter proposal would allow the applicant to transfer his or her jurisdiction of licensure to the State where he or she receives training. The applicant could initially obtain the required regular (non-CDL) license and CDIP from the jurisdiction where training is received. Upon completion of training, the applicant could obtain a permanent CDL from that jurisdiction. The driver would then be free to return to the original licensing jurisdiction and apply to transfer the CDL there, subject to the CDL regulations and requirements of that jurisdiction for transferring CDLs. While the States' proposal addresses the issue of ''one-license, one-record,'' it does not deal with the issue of domicile.

Remote Electronic Supervision

In § 383.23, the NPRM proposed allowing, as an alternative to in-cab supervision, remote electronic supervision via communication with chaperones in accompanying vehicles under strictly controlled conditions. Most commenters opposed that proposal, except for a small number of public driver training schools and the States in which they are located. The public training schools, in defending their support for this proposed practice, asserted that trainees are allowed on roads and highways open to public travel only after they have proven their competence to instructors on a private range or by in-cab physically accompanied driving.

Vehicles for Which CDIPs Would Be Valid

The NPRM also proposed allowing the use of CDIPs for all groups of CMVs, including those requiring endorsements. Five State driver licensing agencies opposed granting CDIP applicants the privilege to operate passenger carrying (''P'' endorsement) or hazardous material placarded (''H'' endorsement) CMVs, even though directly supervised in-cab by a qualified driver.

CDL Knowledge Tests

AAMVA and nine State licensing agencies recommended adding a safeguard requiring CDIP applicants to pass the CDL knowledge test before receiving a CDIP, and to require the CDIP to display the CMV training group for which the applicant applied to train. In addition, many commenters also proposed that CDIP holders pass the knowledge test for any endorsement prior to operating on roads open to public travel, and that CDIP holders only be allowed to operate vehicles in the class of vehicles covered by the class and endorsements on the CDIP.

CDL Test Reciprocity

The NPRM proposed authorizing States where training is received to administer CDL knowledge and skills tests to drivers domiciled in other States, and authorizing a license applicant's State of domicile to accept test results obtained in the training State. AAMVA and some State licensing agencies contend FMCSA should not attempt to specify anything about State acceptance of out-of State tests. The commenters argue that in some very limited instances, States already have agreements with other States to accept their tests, and it is unnecessary for FMCSA to promulgate anything about authorizing such acceptance.

Duration of the CDIP

The NPRM proposed restricting the time periods for State-issued CDIPs to no longer than one year. There was disagreement among the commenters on the maximum time for which a driver may hold a valid CDIP.[1] AAMVA pointed out that because the initial CDL rules did not address this issue, a number of jurisdictions did not adopt this aspect of the AAMVA model law, resulting in the use of differing time periods by licensing jurisdictions when issuing CDL learner's permits.

Commercial Driver's License Information System

In § 383.73, the NPRM proposed requiring States to notify the Commercial Driver's License Information System (CDLIS) central index when it issues a CDIP to drivers who do not hold a CDL. CDLIS is the information system designed to serve as the clearinghouse and depository of information about any person who operates CMVs requiring a CDL. CDLIS contains a driver's identification, licensing history with any convictions (including convictions for any of the disqualifying offenses listed in part 383), and disqualification history. States would not be required to notify the CDLIS central index if the driver already holds a CDL, since the driver would already be recorded on the central index. Most commenters, including AAMVA, expressed support for requiring addition of CDIP holders to the CDLIS central index at the time of issuance of the CDIP. The driver licensing agency for the State of Maryland objected to this proposal, arguing that adding CDIP holders to the CDLIS central index would result in the needless entry of a large number of otherwise non-commercial drivers who may never obtain a CDL.

CDIP Document

The NPRM proposed that the CDIP document contain all information the CDL contains, including a picture of the holder, except the document would contain the designation ''commercial driver's instruction permit'' instead of ''commercial driver's license.'' It further proposed including a statement on the CDIP indicating it is invalid without the underlying State driver license, the number of which would be displayed on the CDIP. AAMVA and most State licensing agencies opposed use of a photograph on the CDIP document because it would be redundant and costly to many States. Further, the commenters argued that because the proposed CDIP is a temporary permit that must be presented in conjunction

[1] The original AAMVA CDL model law created to assist jurisdictions in initiating their CDL programs specified 6 months as the maximum length for initial issuance and renewal periods of commercial learners' permits.

with the underlying State license, the photograph is unnecessary.

In addition, AAMVA recommended a shorter title for the instruction permit document. AAMVA stated the title ''commercial driver's instruction permit'' is too long, making it difficult for some States to include this phrase on the CDIP document. AAMVA recommended the term ''commercial learner's permit,'' or ''CLP.''

Withdrawal of Proposal

Since publication of the 1990 CDIP NPRM, major changes occurred in the CDL program through other rulemakings, regulatory guidance, legislation and policy decisions. The September 11, 2001, terrorist attacks prompted Congress and FMCSA to expand the scope of the CDL program to include issues related to fraud and security. The issuance of CDLs to unqualified persons and persons with false identities added new dimensions to the program, significantly in the detection and prevention of fraud and considerations of domicile. Some of the major initiatives that affected and transformed the direction of the CDL program are discussed below.

State Compliance With Commercial Driver's License Program

On May 18, 1994, FMCSA issued a final rule (59 FR 26029) setting standards States must meet to comply with section 12009(a) of the CMVSA and thus avoid any loss of Federal-aid highway funds as provided in section 12011. CMVSA requires States to: (1) Prevent CMV drivers from concealing unsafe driving records by restricting issuance of a CDL to only the State of domicile; (2) ensure all CMV drivers demonstrate the minimum levels of knowledge and skills needed to safely operate the appropriate class of CMV before being licensed; and (3) subject CMV drivers to new, uniform sanctions for certain unsafe driving behavior. In addition, the Act requires an annual certification process for each State to determine whether it is in compliance. In the event of noncompliance, a percentage of highway funds may be withheld.

CDL Standards and Program Improvements

In 1994, FMCSA initiated a study to evaluate the effectiveness of the CDL program. The final report, submitted to Congress in 1999, documented a number of vulnerabilities within the CDL program and provided corrective recommendations. Congress responded to these findings in the Motor Carrier Safety Improvement Act (MCSIA) of 1999 (Pub. L. 106–159, 113 Stat. 1748), addressing 17 CDL-related vulnerability issues. MCSIA amended many provisions related to the licensing and sanctioning of CMV drivers and required States to correct numerous specific weaknesses in their CDL programs. In response to MCSIA, FMCSA issued a final rule (67 FR 49742, July 31, 2002) incorporating 15 of the 17 new requirements into the CDL regulations. Among other things, the final rule required State CDL programs to include disqualification of a CDL holder for alcohol and drug abuse that occurred while operating a non-CMV, and disqualification of the driver by the FMCSA Assistant Administrator if the driver's driving behavior is determined to constitute an imminent hazard. The rule specifies enhanced driver application procedures and State record check requirements. In addition, the 2002 rule clarifies FMCSA's regulatory relationship to CDLIS by requiring compliance with the current version of the AAMVA ''CDLIS State Procedures'' manual, which the CDL regulations incorporate by reference.

September 11, 2001

The terrorists who attacked the World Trade Center towers in New York City and the Pentagon in Arlington, Virginia, fraudulently obtained driver's licenses from several States. Those licenses were presented as identification to board the airplanes used in the attacks. While those licenses were not CDLs, there is a potential risk CDLs or CDIPs could be obtained in the same manner to use CMVs, particularly those loaded with hazardous materials, for acts of terrorism. This potential risk led the States, FMCSA, and Congress to require development and implementation of better means for determining the identity of license applicants and securing the license document. Other measures to prevent terrorists from using CMVs in terrorist attacks include development and implementation of security threat assessment background checks for drivers to obtain or maintain a hazardous materials endorsement on their CDL, as required by section 1012(b) of the USA PATRIOT Act (Pub. L. 107–56, October 26, 2001, 115 Stat. 397).

In addition, the REAL ID Act of 2005 (Pub. L. 109–13, May 11, 2005, 119 Stat. 231) tightens the verification process for determining a person's identity and legal presence in this country before issuing the person a driver's license. In working with the Department of Homeland Security to implement this Act, FMCSA intends to address the ''State of domicile'' requirement in regard to student drivers who obtain driver training and want to take their CDL skills test outside their State of domicile.

FMCSA intends to revisit issues addressed in the 1990 NPRM in light of the initiatives and events that have taken place since its publication. FMCSA will take into consideration the commenters' recommendations to the 1990 NPRM, as well as relevant recommendations generated by the DOT Office of Inspector General's May 8, 2002, Audit Report, *Improving Testing and Licensing of Commercial Drivers*, and the new Congressional requirements found in section 4122 of the Motor Carrier Safety Reauthorization Act of 2005.

Conclusion

Many of the issues addressed in the 1990 NPRM and the public comments to these issues did not consider the initiatives and events that took place after publication of the NPRM. Therefore, the August 22, 1990 NPRM is obsolete and it is in the public interest to withdraw the document.

Issued on February 17, 2006.

Annette M. Sandberg,

Administrator.

[FR Doc. E6–2554 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 71, No. 36
Thursday, February 23, 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.

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 discuss project development for 2006 and project updates for 2005. Agenda topics will include public outreach methods, and a 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 February 28, 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 G. 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 G. Ritter, Stevensville District Ranger and Designated Federal Officer, Phone: (406) 777–5461.

Dated: February 16, 2006.

Barry Paulson,

Deputy Forest Supervisor.

[FR Doc. 06–1695 Filed 2–22–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Survey of Construction—Questionnaire for Building Permit Official.

Form Number(s): SOC–QBPO.

Agency Approval Number: 0607–0125.

Type of Request: Extension of a currently approved collection.

Burden: 225 hours.

Number of Respondents: 900.

Average Hours per Response: 15 minutes.

Needs and Uses: The U.S. Census Bureau requests an extension of the currently approved collection for the Questionnaire for Building Permit Official (SOC–QBPO) form. The information collected on the SOC–QBPO is necessary to carry out the sampling for the Survey of Housing Starts, Sales and Completions (OMB number 0607–0110), also known as the Survey of Construction (SOC). Government agencies and private companies use statistics from SOC to monitor and evaluate the large and dynamic housing construction industry.

The Census Bureau field representatives (FRs) use the SOC–QBPO to obtain information on the operating procedures of a permit office. This enables them to locate, classify, list, and sample building permits for residential construction. These permits are used as the basis for the sample selected for SOC. The Census Bureau also uses the information to verify and update the geographic coverage of permit offices.

Failure to collect this information would make it difficult, if not impossible, to classify accurately and sample building permits for the SOC. The SOC produces data for two principal economic indicators. They are: New Residential Construction (housing starts and housing completions) and New Residential Sales.

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., section 182.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202–395–7245) or e-mail (*susan_schechter@omb.eop.gov*).

Dated: February 16, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–2526 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[991215339–6042–20]

Solicitation of Proposals for Economic Development Assistance Programs

AGENCY: Economic Development Administration (EDA), Department of Commerce (DOC).

ACTION: Notice and request for proposals.

SUMMARY: The Economic Development Administration (EDA) is soliciting proposals for the following programs authorized by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 *et seq.*) (PWEDA): (1) Public Works and Economic Development Investments Program, (2) Planning Program, (3) Local Technical Assistance Program, and (4) Economic Adjustment Assistance Program. EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. In implementing this mission pursuant to its authorizing statute, PWEDA, EDA advances economic growth by assisting communities and regions experiencing chronic high unemployment and low per capita income to create an environment that fosters innovation, promotes entrepreneurship, and attracts increased private capital investment. Under the Trade Act of 1974, as

amended (19 U.S.C. 2341–2391) (Trade Act), EDA also provides technical assistance to firms adversely affected by increased import competition.

DATES: Proposals are accepted on a continuing basis and formal applications are invited and processed as received. Generally, two months are required for EDA to reach a final decision after receipt of a completed formal application invited by EDA that meets all requirements.

ADDRESSES: For applicants in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee, please send proposals to:

Economic Development Administration, Atlanta Regional Office, 401 West Peachtree Street, NW., Suite 1820, Atlanta, Georgia 30308, Telephone: (404) 730–3002, Fax: (404) 730–3025.

For applicants in Arkansas, Louisiana, New Mexico, Oklahoma and Texas, please send proposals to:

Economic Development Administration, Austin Regional Office, 504 Lavaca, Suite 1100, Austin, Texas 78701–2858, Telephone: (512) 381–8144, Fax: (512) 381–8177.

For applicants in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, please send proposals to:

Economic Development Administration, Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, Illinois 60606, Telephone: (312) 353–7706, Fax: (312) 353–8575.

For applicants in Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming, please send proposals to:

Economic Development Administration, Denver Regional Office, 1244 Speer Boulevard, Room 670, Denver, Colorado 80204, Telephone: (303) 844–4715, Fax: (303) 844–3968.

For applicants in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, U.S. Virgin Islands and West Virginia, please send proposals to:

Economic Development Administration, Philadelphia Regional Office, Curtis Center, 601 Walnut Street, Suite 140 South, Philadelphia, Pennsylvania 19106, Telephone: (215) 597–4603, Fax: (215) 597–1063.

For applicants in Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Marshall Islands, Micronesia, Nevada, Northern Mariana Islands, Oregon, Republic of Palau and Washington, please send proposals to:

Economic Development Administration, Seattle Regional Office, Jackson Federal Building, Room 1890, 915 Second Avenue, Seattle, Washington 98174, Telephone: (206) 220–7660, Fax: (206) 220–7669.

For a copy of the complete federal funding opportunity (FFO) announcement for this request for proposals, please see the Internet Web site listed below under ''Electronic Access.''

FOR FURTHER INFORMATION CONTACT: For additional information or for a paper copy of the FFO, contact the appropriate EDA regional office listed above. EDA's Internet website at *http://www.eda.gov* contains additional information on EDA and its programs.

SUPPLEMENTARY INFORMATION:

Electronic Access

EDA is currently unable to accept electronic submissions of proposal packages. However, paper pre-applications may be downloaded from EDA's Internet Web site at *http://www.eda.gov* or may be obtained from the appropriate EDA regional office or Economic Development Representative.

The FFO for the FY 2006 Economic Development Assistance Programs competition is available at *http://www.grants.gov*. Additional information also is available on EDA's Internet Web site at *http://www.eda.gov.*

Funding Availability

Funding appropriated under the FY 2006 Science, State, Justice, Commerce and Related Agencies Appropriations Act (Pub. L. 109–108, 119 Stat. 2290 (2005)) is available for the economic development assistance programs authorized by PWEDA and for the Trade Adjustment Assistance For Firms program authorized under the Trade Act. Funds in the amount of $250,741,104 have been appropriated for FY 2006 and shall remain available until expended.

This request for proposals covers the following programs under PWEDA: (1) Public Works and Economic Development Investments Program, (2) Planning Program, (3) Technical Assistance Program, and (4) Economic Adjustment Assistance Program. Under the Technical Assistance Program, this request for proposals covers Local Technical Assistance only. A separate FFO announcement will be posted at *http://www.grants.gov* and will set forth the specific funding priorities, application and selection processes, time frames, and evaluation criteria for certain National Technical Assistance projects to be funded under the FY 2006 appropriation. Similarly, a separate FFO announcement has been posted at *http://www.grants.gov* that sets forth the specific funding priorities, application and selection processes, time frames, and evaluation criteria for University Center projects to be funded with FY 2006 appropriated program funds.

Statutory Authority

The authority for the (1) Public Works and Economic Development Investments Program, (2) Planning Program, (3) Technical Assistance Program, and (4) Economic Adjustment Assistance Program is PWEDA. The authority for the Trade Adjustment Assistance for Firms program is Chapter 3 of Title II of the Trade Act. On August 11, 2005, EDA published an interim final rule (70 FR 47002) to reflect the amendments made to PWEDA by the Economic Development Administration Reauthorization Act of 2004 (Pub. L. 108–373, 118 Stat. 1756 (2004)). With limited exceptions, the interim final rule became effective on October 1, 2005. You may access the interim final rule and PWEDA on EDA's Internet Web site at *http://www.eda.gov.*

On December 15, 2005, EDA published a second interim final rule in the **Federal Register** (70 FR 74193) to change the provisions of the August 11, 2005 interim final rule consistent with the direction provided in the Conference Report (H.R. Rep. No. 109–272 (2006)) accompanying the FY 2006 Science, State, Justice, Commerce and Related Agencies Appropriations Act (Pub. L. 109–108, 119 Stat. 2290 (2005)). The regulations contained in the August 11, 2005 interim final rule, together with subsequent changes made thereto by the December 15, 2005 interim final rule, will govern all awards made under this solicitation for proposals. In publishing a final rule during 2006, EDA will consider all comments received during the public comment period (held from August 11, 2005 through November 14, 2005) on all aspects of the August 11, 2005 interim final rule.

Catalog of Federal Domestic Assistance (CFDA) Numbers

11.300, Grants for Public Works and Economic Development Facilities; 11.302, Economic Development—Support for Planning Organizations; 11.303, Economic Development—Technical Assistance; 11.307, Economic Adjustment Assistance; 11.313, Economic Development—Trade Adjustment Assistance.

Eligibility

Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance include a

District Organization; an Indian Tribe or a consortium of Indian Tribes; a State, a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; an institution of higher education or a consortium of institutions of higher education; or a public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. *See* section 3 of PWEDA (42 U.S.C. 3122) and 13 CFR 300.3. Projects eligible for Public Works or Economic Adjustment investment assistance include those projects located in regions meeting ''special need'' criteria, as set forth in section VIII.B. of the FFO.

Cost Sharing or Matching Share Requirements

Generally, the amount of the EDA grant may not exceed fifty (50) percent of the total cost of the project. Projects may receive an additional amount that shall not exceed thirty (30) percent, based on the relative needs of the region in which the project will be located, as determined by EDA. *See* section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). For projects of a national scope under 13 CFR part 306 (Training, Research and Technical Assistance), and for all other projects under 13 CFR part 306, after the application of the first two (2) sentences of this paragraph, the Assistant Secretary of Commerce for Economic Development (Assistant Secretary) has the discretion to establish a maximum EDA investment rate of up to one-hundred (100) percent where the project (i) merits and is not otherwise feasible without an increase to the EDA investment rate; or (ii) will be of no or only incidental benefit to the recipient. *See* section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4). In the case of EDA investment assistance to a(n) (i) Indian Tribe, (ii) State (or political subdivision of a State) that the Assistant Secretary determines has exhausted its effective taxing and borrowing capacity, or (iii) non-profit organization that the Assistant Secretary determines has exhausted its effective borrowing capacity, the Assistant Secretary has the discretion to establish a maximum EDA investment rate of up to one hundred (100) percent of the total project cost. *See* sections 204(c)(1) and (2) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(5). Potential applicants should contact the appropriate EDA regional office to make these determinations.

While cash contributions are encouraged, in-kind contributions, consisting of contributions of space, equipment, assumptions of debt, and services, may provide the non-Federal share requirement of the total project cost. *See* section 204(b) of PWEDA (42 U.S.C. 3144). EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Funds from other Federal financial assistance awards are considered matching share funds only if authorized by statute that allows such use, which may be determined by EDA's reasonable interpretation of the statute. *See* 13 CFR 300.3. The applicant must show that the matching share is committed to the project, available as needed and not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 CFR 301.5.

Intergovernmental Review

Applications for assistance under EDA's programs are subject to the requirements of Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Evaluation and Selection Procedures

Each pre-application proposal is circulated by a project officer within the appropriate regional office staff for review and comments. When the necessary input and information are obtained, the pre-application proposal is considered by the regional office's Investment Review Committee (IRC), which is comprised of regional office staff. The IRC discusses the proposal (and all pertinent documentation) and evaluates it on two levels of analysis. The IRC (a) determines if the proposal meets the program-specific award and application requirements provided in 13 CFR 305.2 for Public Works investments, 13 CFR 303.3 for Planning investments, 13 CFR 306.2 for Local and National Technical Assistance, and 13 CFR 307.2 and 307.4 for Economic Adjustment Assistance, and (b) rates each proposal using the general evaluation criteria set forth in 13 CFR 301.8. These general evaluation criteria are provided in section V.B. of the FFO. Project proposals for University Centers and National Technical Assistance will be evaluated pursuant to separate **Federal Register** Notices published for FY 2006. With respect to the Trade Adjustment Assistance for Firms program under the Trade Act, continuation grants will not be competed and no new Trade Adjustment Assistance Center (TAAC) grants will be awarded this year. *See* 19 U.S.C. 2341–2391 and 13 CFR part 315.

After completing its evaluation, the IRC recommends to the Regional Director whether or not an application should be invited, documenting its recommendation in the meeting minutes or in the Investment Proposal Summary and Evaluation Form. For quality control assurance, EDA Headquarters reviews the IRC's analysis of the project's fulfillment of the investment policy guidelines, as set forth in section V.B. of the FFO and in 13 CFR 301.8. After receiving quality control clearance, the Selecting Official (depending on the program, either the Regional Director or the Assistant Secretary) considers the evaluations provided by the IRC and the degree to which one or more of the funding priorities provided below are included (or packaged together), in making his/her decision as to which proponents should be invited to submit a formal application for investment assistance. The Selecting Official then formally invites the successful proponents to submit formal applications. If the Selecting Official declines to invite a full application, he/she provides written notice to the proponent. In the case of a continuation grant, no pre-application proposal is required. Proposals received after the date of this notice will be processed in accordance with the requirements set forth herein until the next annual FFO is posted on *http://www.grants.gov* and the related notice and request for proposals is published in the **Federal Register**.

If a proponent is selected to submit a formal application, the appropriate regional office will provide application materials and guidance in completing them. The proponent will generally have thirty (30) days to submit the completed application materials to the regional office. EDA staff will work with the proponent to resolve application deficiencies. If a completed formal application is accepted, the proponent and Economic Development Representative are notified and it is forwarded for final review and processing in accordance with EDA and Department of Commerce procedures.

Evaluation Criteria

EDA will select investment proposals competitively based on the investment policy guidelines and funding priority considerations identified in this notice. All EDA investment proposals will be competitively evaluated primarily on their ability to satisfy one (1) or more of the following investment policy guidelines, each of equivalent weight and which also are set forth in 13 CFR 301.8:

1. *Be market-based and results driven.* An EDA investment will capitalize on a region's competitive strengths and will positively move a regional economic indicator measured on EDA's Balanced Scorecard, such as: An increased number of higher-skill, higher-wage jobs; increased tax revenue; or increased private sector investment.

2. *Have strong organizational leadership.* An EDA investment will have strong leadership, relevant project management experience, and a significant commitment of human resources talent to ensure a project's successful execution.

3. *Advance productivity, innovation, and entrepreneurship.* An EDA investment will embrace the principles of entrepreneurship, enhance regional clusters, and leverage and link technology innovators and local universities to the private sector to create the conditions for greater productivity, innovation, and job creation.

4. *Look beyond the immediate economic horizon, anticipate economic changes, and diversify the local and regional economy.* An EDA investment will be part of an overarching, long-term comprehensive economic development strategy that enhances a region's success in achieving a rising standard of living by supporting existing industry clusters, developing emerging new clusters, or attracting new regional economic drivers.

5. *Demonstrate a high degree of local commitment by exhibiting:*

- High levels of local government or non-profit matching funds and private sector leverage;
- Clear and unified leadership and support by local elected officials; and
- Strong cooperation between the business sector, relevant regional partners and local, State and Federal governments.

Funding Priorities

Successful applications for EDA's investment programs will be regionally-driven initiatives in areas of the Nation that are underperforming and eligible for EDA programs that meet one or more of the following core criteria (investment proposals that meet more than one core criterion will be given more favorable consideration):

1. *Investments in support of long-term, coordinated and collaborative regional economic development approaches:*

- Establish comprehensive regional economic development strategies that identify promising opportunities for long-term economic growth.
- Exhibit demonstrable, committed multi-jurisdictional support from leaders across all sectors:
  - i. Public (*e.g.*, mayors, city councils, county executives, senior state leadership);
  - ii. Institutional (*e.g.*, institutions of higher learning);
  - iii. Non-profit (*e.g.*, chambers of commerce, development organizations); and
  - iv. Private (*e.g.*, leading regional businesses, significant regional industry associations).
- Generate quantifiable positive economic outcomes.

2. *Investments that support innovation and competitiveness:*

- Develop and enhance the functioning and competitiveness of leading and emerging industry clusters in an economic region.
- Advance technology transfer from research institutions to the commercial marketplace.
- Bolster critical infrastructure (*e.g.*, transportation, communications, specialized training) to prepare economic regions to compete in the world-wide marketplace.

3. *Investments that encourage entrepreneurship:*

- Cultivate a favorable entrepreneurial environment consistent with regional strategies.
- Enable economic regions to identify innovative opportunities among growth-oriented small and medium-size enterprises.
- Promote community and faith-based entrepreneurship programs aimed at improving economic performance in an economic region.

Additional consideration will be given to investment proposals which also accomplish the following:

- Respond to sudden and severe economic dislocations (*e.g.*, major layoffs and/or plant closures, disasters).
- Enable BRAC-impacted communities to transition from a military to civilian economy.
- Advance the goals of linking historic preservation and economic development as outlined by Executive Order 13287, ''Preserve America.''

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

Administrative and national policy requirements for all Department of Commerce awards are contained in the Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, published in the **Federal Register** on December 30, 2004 (69 FR 78389). This notice may be accessed by entering the **Federal Register** volume and page number provided in the previous sentence at the following Internet Web site: *http://gpoaccess.gov/fr/retrieve.html.*

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Form ED–900P has been approved by OMB under Control Number 0610–0094. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB Control Number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this rule concerning grants, benefits and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Sandy K. Baruah,

Assistant Secretary of Commerce for Economic Development.

[FR Doc. E6–2545 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Manufacturing Extension Partnership (MEP) Management Information Reporting

AGENCY: National Institute of Standards and Technology (NIST).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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 (2)(A)).

DATES: Written comments must be submitted on or before April 24, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Joe Giannamore, Economist, National Institute of Standards and Technology, Manufacturing Extension Partnership, 100 Bureau Drive, Stop 4800, Gaithersburg, MD 20899–4800, 301–975–4614 (phone) and 301–926–3787 (fax). In addition, written comments may be sent via e-mail to *joseph.giannamore@nist.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Sponsored by NIST, the Manufacturing Extension Partnership (MEP) is a national network of locally based manufacturing extension centers working with small manufacturers to help them improve their productivity, improve profitability and enhance their economic competitiveness.

The information is collected to provide the Manufacturing Extension Partnership (MEP) with information regarding MEP Center performance in the delivery of technology, and business solutions to U.S.-based manufacturers. The information obtained will assist in determining the performance of the MEP Centers at both a local and national level, as well as, the impact on the national economy. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2). No confidentiality for information submitted is promised or provided.

This collection under the Paperwork Reduction Act received prior Office of Management and Budget clearance in May 2003, and this clearance expires on May 31, 2006.

II. Method of Collection

Web forms will be used to collect and analyze a wide range of information from the MEP centers, which includes customer satisfaction, center activities, center staff, quarterly expenses and revenues, partners and affiliates strategic plan, operating plans, and client success stories.

III. Data

OMB Number: 0693–0032.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 59.
Estimated Time per Response: 127 hours.
Estimated Total Annual Burden Hours: 7,493.
Estimated Total Annual Cost: $374,650.

IV. Request for Comments

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 (including hours and costs) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: February 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–2524 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Vessel Monitoring Program for the Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before April 24, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, (206) 526–6110 or *Becky.Renko@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA has established large-scale depth-based management areas, referred to as Groundfish Conservation Areas (GCAs), where groundfish fishing is prohibited or restricted. These areas were specifically designed to reduce the catch of species while allowing healthy fisheries to continue in areas and with gears where little incidental catch of overfished species is likely to occur. Because NOAA needs methods to effectively enforce area restrictions, certain commercial fishing vessels are required to install and use a vessel monitoring system (VMS) that automatically send hourly position reports. Exemptions from the reporting requirement are available for inactive vessels or vessels fishing outside the monitored area. The vessels are also required to declare what gear will be used.

To ensure the integrity of the GCAs and Rockfish Conservation Areas, a pilot VMS program was implemented on January 1, 2004. The pilot program required vessels registered to Pacific Coast groundfish fishery limited entry permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. The VMS program coverage is being expanded on January 1, 2007, to include all open access fisheries in addition to the limited entry fisheries.

A separate notice will be published regarding the proposed rule RIN 0648–AU08.

II. Method of Collection

The installation/activation reports are available over the Internet. Due to the need for the owner's signature, installation reports must be faxed or mailed to NMFS. Hourly position reports are automatically sent from VMS transceivers installed aboard vessels. Exemption reports and declaration reports are submitted via a toll-free telephone number.

III. Data

OMB Number: 0648–0478.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profits organizations; individuals or households.

Estimated Number of Respondents: 2,061.

Estimated Time per Response: VMS installation: 4 hours; VMS maintenance: 4 hours; installation, exemption and activation reports: 5 minutes each; VMS transmissions: 5 seconds; and declaration reports: 4 minutes.

Estimated Total Annual Burden Hours: 44,687.

Estimated Total Annual Cost to Public: $2,257,000.

IV. Request for Comments

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 (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 16, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–2525 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021606A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of applications for renewal and modification and request for comment.

SUMMARY: Notice is hereby given that NMFS has received applications to renew and modify permits from U.S. Fish and Wildlife Service, Arcata, CA (Permit 1068). This permit would affect SONCC coho salmon (*Oncorhynchus kisutch*), California Coastal (CC) Chinook salmon (*O. tshawytscha*) and Northern California (NC) steelhead (*O. mykiss*) This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Daylight savings time on March 27, 2006.

ADDRESSES: Written comments on this renewal and modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment:

For Permit 1068: Steve Liebhardt, Protected Species Division, NMFS, 1655 Heindon Road, Arcata, CA 95521 (ph: 707–825–5186, fax: 707–825–4840).

FOR FURTHER INFORMATION CONTACT: Steve Liebhardt at phone number (707–825–5186), or e-mail: *steve.liebhardt@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following four threatened salmonid ESUs: Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), Central California Coast (CCC) coho salmon, Northern California (NC) steelhead (*O. mykiss*), and California Coastal (CC) Chinook salmon (*O. tshawytscha*). Renewal and Modification Requests Received.

Permit 1068

The U.S. Fish and Wildlife Service (USFWS) has requested the renewal and modification 2 of Permit 1068 for take of SONCC coho salmon, associated with 2 new or modified studies assessing coho salmon in selected locations in the Klamath River. The USFWS proposes to capture juvenile and adult salmon and steelhead by rotary screw traps, seine nets, minnow traps, in-stream pipe traps, seines, weirs, trawl, and electrofishing. Renewal and Modification 1 of Permit 1068 was originally issued on April 15, 2005. USFWS has requested lethal take of up to: 168,566 juvenile and 200 adult SONCC coho salmon, 173,987 juvenile CC Chinook salmon, Renewal and Modification 2 of Permit 1068 will include two new studies using SONCC coho salmon caught in screw traps and seines to identify disease and pathogens and how it effects survival rates of salmonids. These two new studies would ''sacrifice'' (intentional mortality) up to 450 wild coho salmon and up to 530 hatchery coho salmon (980 coho salmon).

Renewal and Modification 2 of Permit 1068 will expire on September 1, 2013.

Dated: February 17, 2006.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–2570 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Announcement of Kachemak Bay National Estuarine Research Reserve Revised Management Plan

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of approval and availability of the Final Revised Management Plan for the Kachemak Bay National Estuarine Research Reserve.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce has approved the revised management plan for the Kachemak Bay National Estuarine Research Reserve (Reserve).

The Reserve was designated in 1999 pursuant to Section 315 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1461 and has been operating under the management plan approved as part of the designation document. Pursuant to 15 CFR 921.33(c), a state must revise their management plan every five years. The submission of this plan fulfills this requirement and sets a course for successful implementation of the goals and objectives of the reserve.

The mission of the Kachemak Bay reserve management plan is to enhance understanding and appreciation of the Kachemak Bay estuary and adjacent waters to ensure these ecosystems remain healthy and productive through site-based estuarine research, stewardship and education. The management plan identifies six priority resource issues that are addressed through active management. These priority issues are (1) larval and juvenile fisheries recruitment and life history dynamics, (2) climate change, (3) coastal dynamics (natural and anthropogenic), including land use change, (4) natural hazards, (5) socioeconomics associated with coastal resources, and (6) public access. Kachemak Bay reserve's management plan addresses these issues with specific programs for resource management and protection, research and monitoring, education and training, public access and visitor use, program administration, and partnerships and regional coordination.

The plan identifies management goals, priority resource management issues or threats that these goals must address, and specific strategies to accomplish these goals. The resource management and protection program addresses issues such as land acquisition and habitat restoration and protection. The reserve manages important habitats but any land acquisition of inholdings would be done by the state pursuant to existing management programs rather than by the reserve.

The research and monitoring program supports process-oriented research focused on obtaining baseline knowledge of the Bay and its watershed, and expanding hydrographic and biological monitoring that can be used for long-term comparisons. Staff and visiting researchers conduct monitoring and research within the watersheds and boundaries of the reserve and use GIS to map critical habitats and hydrology and hydrodynamic processes.

The education and training program at the reserve targets audiences of all ages and backgrounds for traditional, experiential, training and outreach opportunities. The education program is also upgrading and expanding the Reserve's exhibitry to better interpret scientific data collected by the Research program.

The public access and visitor use program at the reserve includes working with partners to assess visitor needs and complement current public access as allowable. Visitor use policies are designed to provide for compatible use and protection of valuable natural resources.

The administration program team ensures the staffing and budget necessary to carry out the goals and objectives of the plan. Situated within its parent agency, Division of Sport Fish of the Alaska Department of Fish and Game, the administrative staff develops stable funding and grant match opportunities.

FOR FURTHER INFORMATION CONTACT: Nina Garfield at (301) 563–1171 or Laurie McGilvray, Chief, Estuarine Reserves Division at (301) 563–1158 of NOAA's National Ocean Service, Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

Dated: February 8, 2006.

Eldon Hout,

Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

[FR Doc. E6–2528 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021706C]

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Trawl Survey Advisory Panel, composed of representatives from the National Marine Fisheries Service's Northeast Fisheries Science Center (NEFSC), the Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC), and several independent scientific researchers, will hold a public meeting.

DATES: March 8, 2006 from 1 p.m. to 6 p.m. and March 9, 2006 from 8 a.m. to 2 p.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, Providence Airport, One Thurber Street, Jefferson Boulevard, Warwick, RI 02886 telephone 401–734–9600.

Council address: Mid-Atlantic Fishery Management Council; 300 S. New Street, Room 2115, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; 300 S. New Street, Room 2115, Dover, DE 19904, telephone 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review the results of the February Northeast Fisheries Science Center's experimental trawl survey cruise and continue to develop and evaluate survey protocols for the new survey.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jan Saunders at the Mid-Atlantic Council Office at least five days prior to the meeting date.

Dated: February 17, 2006.

Tracey L. Thompson,

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

[FR Doc. E6–2553 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021306B]

U.S. Climate Change Science Program Synthesis and Assessment Product Prospectus

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of availability and request for public comments.

SUMMARY: The National Oceanic and Atmospheric Administration publishes this notice to announce the availability of the draft Prospectus for one of the U.S. Climate Change Science Program (CCSP) Synthesis and Assessment Products (Products) for public comment. This draft Prospectus addresses the following CCSP Topic: Product 4.5 Effects of Global Change on Energy Production and Use After consideration of comments received on the draft Prospectus, the final Prospectus along with the comments received will be published on the CCSP web site.

DATES: Comments must be received by March 17, 2006.

ADDRESSES: The draft Prospectus is posted on the CCSP Program Office web site. The web address to access the draft Prospectus is: *http://www.climatescience.gov/Library/sap/sap4–5/default.htm.* Detailed instructions for making comments on the draft Prospectus are provided with the Prospectus. Comments should be prepared in accordance with these instructions.

FOR FURTHER INFORMATION CONTACT: Vanessa Richardson, Climate Change Science Program Office, 1717 Pennsylvania Avenue NW, Suite 250, Washington, DC 20006, Telephone: (202) 419–3465.

SUPPLEMENTARY INFORMATION: The CCSP was established by the President in 2002 to coordinate and integrate scientific research on global change and climate change sponsored by 13 participating departments and agencies of the U.S. Government. The CCSP is charged with preparing information resources that support climate-related discussions and decisions, including scientific synthesis and assessment analyses that support evaluation of important policy issues. The Prospectus addressed by this notice provides a topical overview and describes plans for scoping, drafting, reviewing, producing, and disseminating one of 21 final synthesis and assessment Products that will be produced by the CCSP.

Dated: February 16, 2006.

James R. Mahoney,

Assistant Secretary of Commerce for Oceans and Atmosphere, Director, Climate Change Science Program.

[FR Doc. E6–2568 Filed 2–22–06; 8:45 am]

BILLING CODE 3510–12–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Interim Procedures for Considering Requests Under the Commercial Availability Provision to the Dominican Republic-Central America-United States Free Trade Agreement

February 21, 2006.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice of Interim Procedures and Request for Comments.

SUMMARY: This notice sets forth the interim procedures the Committee for the Implementation of Textile Agreements (''CITA'') will follow in implementing certain provisions of the Dominican Republic-Central America-United States Free Trade Agreement (''CAFTA-DR'' or ''Agreement'') Implementation Act. Section 203(o)(4) of the CAFTA-DR Implementation Act establishes procedures for the President to modify the list of fabrics, yarns, or fibers not available in commercial quantities in a timely manner in the countries that are Parties to the CAFTA-DR, as set out in Annex 3.25 of the CAFTA-DR. The President has delegated to CITA the authority to determine whether fabrics, yarns, or fibers are not available in commercial quantities in a timely manner in CAFTA-DR countries and has directed CITA to establish procedures that govern the submission of a request and provide the opportunity for interested entities to submit comments and supporting evidence in any such determination pursuant to the CAFTA-DR Implementation Act. This notice hereby gives notice to interested entities of the procedures CITA will follow in considering such requests and solicits public written comments on these procedures. Comments must be received not later than March 9, 2006 of this notice to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

EFFECTIVE DATE: The date of entry into force of the Dominican-Central America-United States Free Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Richard Stetson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (''CAFTA-DR'') the Statement of Administrative Action (''SAA''), accompanying the CAFTA-DR, at 16-20.

Background

The CAFTA-DR provides a list in Annex 3.25 of the Agreement for fabrics, yarns, and fibers that the Parties to the Agreement have determined are not available in commercial quantities in a timely manner from producers in the United States or other CAFTA-DR countries. A textile and apparel good containing fabrics, yarns, or fibers that is included in Annex 3.25 of the Agreement will be treated as if it is an originating good for purposes of the specific rules of origin in Annex 4.1 of the Agreement, regardless of the actual origin of those inputs. However, all other fabrics, yarns, or fibers of the component that determines the classification of the good must meet the specific rules of origin in Annex 4.1 of the Agreement. The CAFTA-DR provides that the President will establish procedures governing the submission of requests and may determine whether additional fabrics, yarns, or fibers are available or are not available in commercial quantities in a timely manner in the United States or the other CAFTA-DR countries. In addition, the CAFTA-DR establishes that the President may remove a fabric, yarn, or fiber from the list, if it has been added to the list in an unrestricted quantity pursuant to section 203(o), if he determines that the fabric, yarn, or fiber has become available in commercial quantities in a timely manner.

The SAA provides that the President will delegate to CITA his authority under section 203(o)(4) of the Agreement (''Commercial Availability Provision''), to establish procedures for modifying the list of fabrics, yarns, or fibers not available in commercial quantities in a timely manner for

Agreement countries, as set out in Annex 3.25 of the Agreement.

These procedures are not subject to the requirement to provide prior notice and opportunity for public comment, pursuant to 5 U.S.C. 553(b)(A) (Administrative Procedures Act).

Procedures for Considering Requests

1. Introduction

The intent of the CAFTA-DR Commercial Availability Procedures is to foster the use of U.S. and CAFTA-DR products by implementing procedures that allow products to be placed on or removed from a product list, on a timely basis, and in a manner that is consistent with normal business practice. To this end, these procedures are intended to facilitate the transmission, on a timely basis, of order requests and offers to supply such requests; have the market indicate the availability of the supply of products that are the subject of requests; make available promptly, to interested entities and parties, information regarding the requests for products and offers received; ensure wide participation by interested entities and parties; provide careful scrutiny of information provided to substantiate order requests and response offers; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

2. Definitions

(a) Commercial Availability Request. A ''Commercial Availability Request'' is a submission from an interested entity requesting that CITA place a good on the list in Annex 3.25 because that fiber, yarn, or fabric is not available in commercial quantities in a timely manner from a producer in the territory of any Party in the CAFTA-DR region.

(b) Interested Entity. An ''interested entity'' means a government that is a Party to the Agreement, other than the United States; a potential or actual purchaser of a textile or apparel good; or a potential or actual supplier of a textile or apparel good. See section 202(o)(4)(B)(i) of the CAFTA-DR.

(c) Interested Party. An ''interested party'' means any interested entity that requests to be included on the e-mail notification list for Commercial Availability proceedings. Any interested entity may become an interested party by contacting CITA. See Office of Textile and Apparel, U.S. Department of Commerce, website for details at *http://web.ita.doc.gov/tacgi/CABroadcast.nsf/Document?Openform* or send an e-mail to *OTEXA_CAFTA@ita.doc.gov*.

(d) Official Receipt. The ''official receipt'' is CITA's e-mail confirmation that it has received both the e-mail version and the original submission signed by the interested entity delivered via express courier.

(e) Request. A ''request'' refers to the Commercial Availability Request.

(f) Request to Remove or Restrict. A ''request to remove or restrict'' is a submission from an interested entity requesting that CITA either remove a good or that a quantity restriction be introduced six months after a subject product has been added to Commercial Availability List in an unrestricted quantity pursuant to section 203(o).

(g) Requestor. The ''requestor'' refers to the interested entity that files a request, either a Commercial Availability Request or a Request to Remove or Restrict, under the CAFTA-DR Commercial Availability provision, for CITA's consideration.

(h) Response with an Offer. A ''response with an offer'' is a submission from an interested entity to CITA providing its objection to the request or asserting its ability to supply the subject product by providing an offer to supply the subject product described in the request.

(i) Rebuttal Comment. A ''rebuttal comment'' is a submission from an interested entity providing information in response to evidence or arguments raised in a response submission. Rebuttal comments must be limited to evidence and arguments provided in a response submission.

(j) Single, fiber, yarn, or fabric. The term ''single fiber, yarn, or fabric'' means a single product, which may be only part of a Harmonized Tariff Schedule of the United States (''HTSUS'') provision.

(k) U.S. Business day. A ''U.S. business day'' is any calendar day other than a Saturday, Sunday, or a legal holiday. **See** section 202(o)(4)(B)(i) of the CAFTA-DR Implementation Act.

3. Submissions for Participation the U.S.-CAFTA-DR Commercial Availability Proceeding.

(a) Filing Submission. All submissions for a CAFTA-DR Commercial Availability proceeding (e.g., Commercial Availability Request, Response with an Offer, Rebuttal Comments, and Request to Remove or Restrict) must be in English and must be submitted to the **U.S. Department of Commerce's Office of Textiles and Apparel (''OTEXA'')** in two forms:

(1) an electronic-mail (''e-mail'') version of the submission must be either in Word or Word-Perfect format and must contain an adequate public summary of any business confidential information sent to *OTEXA_CAFTA@ita.doc.gov*, which will be posted for public review on the OTEXA's CAFTA-DR Commercial Availability website at *http:otexa.ita.doc.gov*. No business proprietary information should be submitted in the e-mail@ version of any document; and

(2) the original signed submission must be received via express courier to—Chairman, Committee for the Implementation of Textile Agreements, Room H3100, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, DC 20230. Any business confidential information upon which an interested entity wishes to rely must be included in the original signed submission only.

(3) Brackets must be placed around all business confidential information contained in submissions. Documents containing business confidential information must have a bolded heading stating ''Confidential Version.'' Documents, including those submitted via e-mail, provided for public release, must have a bolded heading stating ''Public Version'' and all the business confidential information must be deleted and replaced with asterisks.

(4) Generally, details, such as quantities and lead times for providing the subject product, can be treated as business confidential information. However, the names of manufacturers who were contacted, what was asked generally about the capability to manufacture the subject product, and the responses thereto should be publicly available.

(b) Due Diligence Certification. An interested entity must file a certification of due diligence as described in subsection (b)(1) with each submission containing factual information. If the interested entity has legal counsel or other representative, the legal counsel or other representative must file a certification of due diligence as described in subsection (b)(2) with each submission containing factual information. Accurate representations of material facts submitted to CITA for the CAFTA-DR Commercial Availability proceeding are vital to the integrity of this process and are necessary for CITA's effective administration of the statutory scheme. Each submission containing factual information for CITA's consideration must be accompanied by the appropriate certification regarding the accuracy of the factual information. Any submission that lacks the applicable certifications will be considered an incomplete submission that CITA will reject and return to the submitter. CITA may verify any factual information submitted by interested entities in a CAFTA-DR Commercial Availability proceeding.

(1) For the person responsible for

presentation of the factual information: I, (name and title), currently employed by (interested entity), certify that (1) I have read the attached submission, and (2) the information contained in this submission is, to the best of my knowledge, complete and accurate.

(2) For the person's legal counsel or other representative: I, (name), of (law or other firm), counsel or representative to (interested party), certify that (1) I have read the attached submission, and (2) based on the information made available to me by (person), I have no reason to believe that this submission contains any material misrepresentation or omission of fact.

(c) Official Receipt. A submission will be considered officially submitted to CITA only when both the e-mail version and the original signed submission have been received by CITA. CITA will confirm to the requestor and responder that both versions of the request were received and properly submitted by e-mail. CITA's e-mail confirmation shall be considered the ''official receipt'' of the submission, and also begins the statutory 30 U.S. business day process for CITA's consideration of requests.

4. Submitting a Request for Consideration in a Commercial Availability Proceeding.

(a) Commercial Availability Request. An interested entity may submit a Commercial Availability request to CITA alleging that a fiber, yarn, or fabric is not available in commercial quantities in a timely manner from a producer in the territory of any Party in the U.S.-CAFTA-DR region.

(b) Contents of a Commercial Availability Request.

(1) Detailed Product Information. The Commercial Availability request must provide a detailed description of the product subject to the request, including, if applicable, fiber content, construction, yarn size, and finishing processes; and the classification of the product under the HTSUS. All measurements must be stated in metric units.

(2) Quantity. The Commercial Availability request must provide the specific quantity of the product needed by the requestor, in standard units of quantity for production of the subject product in the CAFTA-DR region.

(3) Due Diligence. The Commercial Availability request must provide a complete description of the due diligence undertaken by the requestor to determine the subject product's availability in the CAFTA-DR region. Due diligence for the requestor means that it has made reasonable efforts to obtain the subject product from CAFTA-DR manufacturers. The requestor must provide the names and addresses of manufacturers contacted, who was specifically contacted, the exact request that was made, the dates of those contacts, whether a sample of the subject product was provided for review, and the exact response given for the manufacturer's inability to supply the subject product under the same conditions as contained in the Commercial Availability request submitted to CITA, in addition to any other information the requestor believes is relevant. The requestor must submit copies of relevant correspondence, both inquiries and responses, with these manufacturers. Specific details of correspondence with manufacturers, such as quantities and lead times for providing the subject product, can be treated as business confidential. However, the names of domestic manufacturers who were contacted, what was asked generally about the capability to manufacture the subject product, and the responses thereto should be available for public review to ensure proper public participation in the process.

(4) Substitutable Products. The Commercial Availability request may provide, if relevant, the basis for the requestor's belief that other products that are supplied by the domestic industry in commercial quantities in a timely manner are not substitutable for the product(s) that is (are) the subject of the request for purposes of the intended use.

(5) Additional Information. The Commercial Availability request may provide any additional evidence or information believed to be relevant for CITA to determine whether a fiber, yarn, or fabric is not available in commercial quantities in a timely manner from a producer in the territory of any Party in the CAFTA-DR region.

(c) CITA will send e-mail confirmation of official receipt of the Commercial Availability request, which begins the statutory 30 U.S. business day process for considering the Commercial Availability request.

5. Consideration and Acceptance of a Request.

In considering whether to accept a request, CITA will consider and determine whether it provides all the required information specified section 4(b)(1)-(3) in these procedures. CITA will determine whether to accept the request for consideration and investigation not later than two U.S. business days after the official receipt of a request.

(a) Request Rejected. If CITA determines that the request does not contain the required information, the requestor will be notified promptly by e-mail that the request has not been accepted and the reasons for the rejection. A request may be resubmitted with additional information for the subject product and CITA will reevaluate it as a new request.

(b) Request Accepted. If CITA determines that the request contains the required information, CITA will notify interested parties by e-mail that a request has been filed. CITA will post the accepted request on its website for public notice.

6. Submitting a Response in a Commercial Availability Proceeding.

(a) Response Submission. An interested entity may file a response submission to a request CITA accepted advising CITA of its objection to the request and its ability to supply the subject product by providing an offer to supply the subject product as described in the request. An interested entity will have 10 U.S. business days after official receipt of a request to respond to a request. CITA may, for good cause, extend the time limit, unless expressly precluded by statute.

(b) Contents of a Response with an Offer.

(1) Quantity. The response with an offer must supply the quantity of the requested subject product that the interested entity, e.g., a CAFTA-DR supplier(s) or manufacturer(s), is capable of currently supplying, in standard units of quantity. All measurements must be in metric units.

(2) Production Capability. The response with an offer must report the quantity, in metric units, that the CAFTA-DR manufacturer produced in the preceding 24-month period of the requested subject product.

(i) For products that have experienced cyclical demand or are not currently produced, the manufacturer should indicate the quantity that has been supplied or offered commercially in the past, with an explanation of the reasons it is not currently produced or offered.

(ii) If the requestor has requested a new style, weight, or other variation that is new to the market, then the CAFTA-DR supplier(s) or manufacturer(s) should provide detailed information on its current ability to make the new product.

(iii) If the CAFTA-DR supplier(s) or manufacturer(s) is making a new product that has not yet been offered to the market but could meet the requirements of the subject product, then the CAFTA-DR supplier(s) or manufacturer(s) needs to provide

detailed information regarding the product and its ability to meet a request.

(iv) Substitutable Products. The response with an offer may provide, if relevant, the basis for the responder's belief that other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the product(s) that is the subject of the request for purposes of the intended use.

(3) Due Diligence. The response with an offer must provide a complete description of the due diligence undertaken by the CAFTA-DR supplier(s) or manufacturer(s) to substantiate the ability to supply the subject product.

(i) In the case of new variations of a product, the supplier must substantiate the ability to manufacture the subject product. The supplier must provide sufficient detail of the manufacturing capabilities of the facility that will supply the subject product, in addition to any other information the supplier believes is relevant.

(ii) If some operations, such as finishing, will be completed by other entities, the name of the facility and contact information must be provided.

(4) Location of the CAFTA-DR supplier(s) or manufacturer(s). The response with an offer must provide the name, address, phone number, and e-mail address of a contact person at the facility claimed to be able to supply the subject product.

(c) CITA will confirm official receipt of response submissions by e-mail to the responding interested entity.

7. Submitting Rebuttal Evidence.

(a) Rebuttal Submission. Any interested entity may submit a rebuttal submission to a response submission. An interested entity must submit its rebuttal submission not later than 4 U.S. business days after the deadline for response submissions. If good cause is shown, CITA may extend the time limit.

(b) Contents of a Rebuttal Submission. The rebuttal submission may respond only to evidence or arguments raised in the response submission and must identify the submission, evidence and/or arguments to which it is responding.

8. Determination Process.

(a) Not later than 30 U.S. business days after official receipt of a request (or not later than 44 U.S. business days where an extension is provided pursuant to section 8(c)(4) of these procedures), CITA will notify interested parties by e-mail and the public on its website whether the subject product is available in commercial quantities in a timely manner in the CAFTA-DR area and whether an interested entity has objected to the request.

(b) CITA will notify the public of the determination by publication in the **Federal Register** when the determination results in a change to the Commercial Availability List in Annex 3.25 of the Agreement.

(c) Types of Determinations.

(1) Denial. A denial means that CITA has determined that the subject product is available in commercial quantities in a timely manner in the CAFTA-DR area. If a request is denied, notice of the denial will be posted on the CAFTA Commercial Availability website at *http://otexa.ita.doc.gov.*

(2) Approval in Unrestricted Quantity. An approval in unrestricted quantities means that CITA has determined that the subject product is not available in commercial quantities in a timely manner in the CAFTA-DA area or that no interested entity has objected to the request. CITA will approve the request in an unrestricted quantity if CITA determines that no CAFTA-DR supplier(s) or manufacturer(s) could fulfill the request for the subject product.

(i) If a request is approved without restriction, a notice will be published in the U.S. **Federal Register** not later than 30 U.S. business days after the official receipt of a request, adding the subject product to the Commercial Availability List in Annex 3.25 of the CAFTA-DR.

(ii) The effective date of the determination is the notice's date of publication in the U.S. **Federal Register**.

(3) Approval in Restricted Quantity. An approval in restricted quantities means that CITA has determined that the subject product is not available in sufficient commercial quantities to supply the quantities stated in the request in a timely manner in the CAFTA-DR area. CITA may approve the request in a restricted quantity if CITA determines that a CAFTA-DR supplier(s) or manufacturer(s) could partially fulfill the request for the subject product.

(i) If a request is approved with a restriction, a notice will be published in the **Federal Register** not later than the 30 U.S. business days after approval, adding the subject product to the Commercial Availability List in Annex 3.25 of the CAFTA-DR with a restricted quantity. The restricted quantity specifies the amount of the subject product that must be obtained from a CAFTA-DR supplier(s) or manufacturer(s) for the product to remain eligible for inclusion on the Commercial Availability List.

(ii) The effective date of the determination will be the date of publication in the U.S. **Federal Register**.

(iii) Elimination of the Restricted Quantity. Not later than six months after adding a product to the Commercial Availability List with a restricted quantity, CITA may eliminate the restriction if it determines that the subject product is not available in commercial quantities in a timely manner in the CAFTA-DR area.

(A) Within this six-month period, CITA will determine whether the restricted quantity of the subject product specified in the original determination, which was based upon an offer presented by the CAFTA-DR supplier(s) or manufacturer(s), has been met. CITA will solicit comments from the CAFTA-DR supplier(s) or manufacturer(s) and requestor regarding the restricted quantity during the six-month period.

(1) If the CAFTA-DR supplier(s) or manufacture(s)r was unable to provide the specifically offered amount, an explanation must be provided to CITA for its consideration of whether to eliminate the restriction.

(2) In the event that the restricted amount was not obtained from the CAFTA-DR supplier(s) or manufacturer(s), CITA will notify interested entities, by e-mail not later than 30 U.S. business days before the six-month period expires, that it is considering elimination of the quantitative restrictions for the subject product on the Commercial Availability List.

(3) Interested entities may provide information explaining the reasons for being unable to supply the specified offer, which CITA will consider in making a decision on whether to eliminate the quantitative restriction of the subject product.

(B) If CITA determines to eliminate the restricted quantity, a notice will be published in the **Federal Register**.

(4) Insufficient Information to Determine. CITA will extend its time period for consideration of the request an additional 14 U.S. business days in the event that CITA determines, not later than 30 U.S. business days after official receipt of a request, that it has insufficient information to make a determination regarding the ability of a CAFTA-DR supplier(s) or manufacturer(s) to supply the request based on the submitted information. CITA will normally determine that it does not have sufficient information to make a determination on a request when CITA finds there is inconsistency in material information contained in the request, one or more reply offers to supply the subject product, and/or the rebuttal submissions. CITA will notify interested parties via e-mail that it has

extended the time period for CITA's consideration by 14 U.S. business days. CITA also will announce the extension on the website.

(i) Process during Extension Period. During the extended time period, CITA will request that interested entities provide additional evidence to support their claims and information previously submitted to CITA and may meet with interested entities. Such evidence may include inter alia product samples, lab tests, detailed descriptions of product facilities, and comparisons of product performance in the intended end-use of the subject product.

(ii) CITA also will consider evidence in support of claims that CAFTA-DR supplier(s) or manufacturer(s) can supply a substantially similar product to that specified in the request.

(iii) CITA will make a determination, not later than 44 U.S. business days after the official receipt of a request whether to approve, approve with restriction, or deny the request and will follow the notification process accordingly.

(5) Deemed Approval. In the unlikely event that CITA does not make a determination in response to a request, not later than 45 U.S. business days after the official receipt of the request or not later than 60 U.S. business days after the official receipt of the request that was determined to lack sufficient information pursuant to subsection (c)(4), the requested subject product shall be added to the Commercial Availability list, in accordance with the requirements of section 202(o)(4)(D) of the CAFTA-DR.

(6) Whenever the Chairman of CITA receives information concerning, or a request from an interested entity for the review of a final affirmative determination that resulted in a product being added to the Commercial Availability List in Annex 3.25, which shows changed circumstances sufficient to warrant a review of such determination, CITA may conduct a review of such a determination after notifying interested parties by e-mail of the review and posting notice on the website. During a review conducted by CITA under this subsection, the entity seeking revocation of a product from the Commercial Availability List in Annex 3.25 shall have the burden of persuasion with respect to whether there are changed circumstances sufficient to warrant such revocation. Absent a show of good cause, CITA may not review a determination less than 12 months after the date of publication of notice of that determination.

9. Six Month Procedures: Submitting a Request to Remove or Restrict.

(a) Request to Remove or Restrict. An interested entity may file a request with CITA requesting that a product be either removed or that a quantity restriction be introduced six months after a requested subject product has been added to Commercial Availability List in an unrestricted quantity pursuant to Section 203(o).

(b) Content of a Request to Remove or Restrict. The request to remove or restrict must provide the substantive information set forth in subsection 6(b) (Contents of a Response with an Offer).

(c) Procedures.

(1) In considering whether to accept a request to remove or restrict, CITA will follow procedures set forth in section 5 *(Consideration and Acceptance of a Request)*.

(2) If CITA determines to accept the request to remove or restrict, CITA and any responding interested party shall follow procedures and contents set forth in subsections 6(a) and (c) *(Response Submission)* and section 7 *(Submitting Rebuttal Evidence)*.

(3) As set forth in subsections 8(a) and (b) *(Determination Process)*, CITA will determine whether the subject product of the request to remove or restrict is available in commercial quantities in a timely manner in the CAFTA-DR area not later than 30 U.S. business days after the official receipt of the request.

(i) If CITA determines that the product is available in commercial quantities in a timely manner in the CAFTA-DR area, e.g., that a CAFTA-DR supplier(s) or manufacturer(s) is capable to supply all of the subject product requested originally, then that product will be removed from the Commercial Availability List.

(ii) If CITA determines that the product is available in commercial quantities in a timely manner in the CAFTA-DR area, e.g., that a CAFTA-DR supplier(s) or manufacturer(s) is capable to supply part of the subject product requested originally, then a restricted quantity will be introduced for that product.

(iii) If the Commercial Availability List changes as a result of CITA's determination for the request to remove or restrict, CITA will notify interested parties by e-mail of its determination and will publish a notice of its determination for the request to remove or restrict in the **Federal Register**.

(A) For removal, the notice will state that textile and apparel articles containing the subject product are not to be treated as originating in a CAFTA-DR country if the subject product is obtained from non-CAFTA-DR sources, effective for goods entered into the United States on or after six months (e.g., 180 calendar days) after the date of publication of the notice.

(B) For restriction, the notice will specify the restricted quantity for the subject product that is to be effective six months after the publication date of the notice.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 06–1734 Filed 2–21–06; 12:43 pm]

BILLING CODE 3510–DS–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[No. DoD–2006–OS–0019]

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by March 27, 2006.

Title, Form and OMB Number: Claim for reimbursement and Payment Voucher for Privately-Purchased Protective, Safety, or Health Equipment Used in Combat; DD Form 2902; OMB Control Number 0704–0436.

Type of Request: Extension.

Number of Respondents: 2,500.

Responses per Respondent: 1.

Annual Responses: 2,500.

Average Burdens per Response: 45 minutes.

Annual Burden Hours: 1,875.

Needs and Uses: This information collection requirement is necessary to accept claims and process those claims for reimbursement from separated former members of the Armed Forces and from survivors of deceased members of the Armed Forces. Public Law 108–375, section 351, and Public Law 109–163, require the Department of Defense to reimburse members of the Armed Forces for privately-purchased protective, safety, or health equipment for Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom during the period of September 11, 2001, to April 1, 2006. The DD Form 2902 will be submitted by the former Service member, or survivor of deceased Service member, to an authorizing official identified on the DD Form 2902 for review and approval.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Hillary Jaffe.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jaffe at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD/Information Management Division, 1777 North Kent Street, RPN, Suite 11000, Arlington, VA 22209–2133.

Dated: February 14, 2006.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–1659 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice of 1-year suspension of the price evaluation adjustment for small disadvantaged businesses.

SUMMARY: The Acting Director of Defense Procurement and Acquisition Policy has suspended the use of the price evaluation adjustment for small disadvantaged businesses (SDBs) in DoD procurements, as required by 10 U.S.C. 2323(e)(3), because DoD exceeded its 5 percent goal for contract awards to SDBs in fiscal year 2005. The suspension will be in effect for 1 year and will be reevaluated based on the level of DoD contract awards to SDBs achieved in fiscal year 2006.

DATES: *Effective Date:* March 10, 2006.

Applicability Date: This suspension applies to all solicitations issued during the period from March 10, 2006, to March 9, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Pollack, Defense Procurement and Acquisition Policy, OUSD (AT&L) DPAP (P), 3015 Defense Pentagon, Washington, DC 20301–3015; telephone (703) 697–8336; facsimile (703) 614–1254.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 10 U.S.C. 2323(e), DoD has previously granted SDBs a 10 percent price preference in certain acquisitions. This price preference is implemented in Subpart 19.11 of the Federal Acquisition Regulation. Section 801 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261) amended 10 U.S.C. 2323(e)(3) to prohibit DoD from granting such a price preference for a 1-year period following a fiscal year in which DoD achieved the 5 percent goal for contract awards established in 10 U.S.C. 2323(a). Since, in fiscal year 2005, DoD exceeded this 5 percent goal, use of this price preference in DoD acquisitions must be suspended for a 1-year period, from March 10, 2006, to March 9, 2007.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. 06–1638 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[OMB Control Number 0704–0321]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Contract Financing

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through June 30, 2006. DoD proposes that OMB extend its approval for use for 3 additional years.

DATES: DoD will consider all comments received by April 24, 2006.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0321, using any of the following methods:

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

• E-mail: *dfars@osd.mil*. Include OMB Control Number 0704–0321 in the subject line of the message.

• Fax: (703) 602–0350.

• Mail: Defense Acquisition Regulations System, Attn: Mr. Bill Sain, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

• Hand Delivery/Courier: Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

Comments received generally will be posted without change to *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Sain, at (703) 602–0293. The information collection requirements addressed in this notice are available via the Internet at: *http://www.acq.osd.mil/dpap/dars/dfars/index.htm*. Paper copies are available from Mr. Bill Sain, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–2062.

SUPPLEMENTARY INFORMATION: *Title, Associated Form, and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and the clause at 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions; OMB Control Number 0704–0321.

Needs and Uses: Section 22 of the Arms Export Control Act (22 U.S.C.

2762) requires the U.S. Government to use foreign funds, rather than U.S. appropriated funds, to purchase military equipment for foreign governments. To comply with this requirement, the Government needs to know how much to charge each country. The clause at 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, requires each contractor whose contract includes foreign military sales (FMS) requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that clearly distinguishes the contract's FMS requirements from U.S. requirements. The Government uses this information to determine how much of each country's funds to disburse to the contractor.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 5,508 (includes 1,836 response hours plus 3,672 recordkeeping hours).

Number of Respondents: 306.

Responses per Respondent: Approximately 12.

Annual Responses: 3,672.

Average Burden per Response: .5 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes requirements relating to DFARS Part 232, Contract Financing, and the related clause at DFARS 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions.

a. DFARS 232.502–4–70(a) prescribes use of the clause at DFARS 252.232–7002 in any contract that provides for progress payments and contains FMS requirements.

b. DFARS 252.232–7002 requires each contractor whose contract includes FMS requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that distinguishes the contract's FMS requirements from U.S. requirements.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. 06–1640 Filed 2–22–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Visitors of Marine Corps University

AGENCY: Department of the Navy, DOD.

ACTION: Notice of open meeting.

SUMMARY: The Board of Visitors of the Marine Corps University (BOV MCU) will meet to review, develop, and provide recommendations on all aspects of the academic and administrative policies of the University; examine all aspects of professional military education operations; and provide such oversight and advice, as necessary, to facilitate high educational standards and cost effective operations. The Board will be focusing primarily on the University's Marine Corps War College. All sessions of the meeting will be open to the public.

DATES: The meeting will be held on Wednesday, April 12, 2006, from 8 a.m. to 4 p.m., and Thursday, April 13, 2006, from 8 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held at Marine Corps University in the Hooper Room, 2076 South Street, Quantico, Virginia 22134.

FOR FURTHER INFORMATION CONTACT: Mary Lanzillotta, Executive Secretary, Marine Corps University Board of Visitors, 2076 South Street, Quantico, Virginia 22134, telephone number 703–784–4037.

Dated: February 14, 2006.

Eric McDonald,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–2550 Filed 2–22–06; 8:45 am]

BILLING CODE 3810–FF–P

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 April 24, 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: February 14, 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: Electronic Debit Payment Option for Student Loans.

Frequency: On Occasion.

Affected Public: Individuals or household; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 1,900.

Burden Hours: 258.

Abstract: The need for an Electronic Debit Account Program will give the borrower another option in which to repay federally funded student loans via automatic debit deductions from their checking or savings accounts.

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 2995. 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. E6–2516 Filed 2–22–06; 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 March 27, 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: February 16, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Extension.

Title: Federal PLUS Loan Application and Master Promissory Note, Endorser Addendum, and School Certification.

Frequency: On Occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 922,500.

Burden Hours: 922,500.

Abstract: The Federal PLUS Loan Application and Master Promissory Note is the means by which an eligible parent borrower applies for and agrees to repay a Federal PLUS Loan.

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 2941. 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. E6–2564 Filed 2–22–06; 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 March 27, 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: February 15, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Graduate Assistance in Areas of National Need (GAANN) Performance Report.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 225.

Burden Hours: 2,475.

Abstract: GAANN grantees must submit a performance report annually. The reports are used to evaluate grantee performance. Further, the data from the reports will be aggregated to evaluate the accomplishments and impact of the GAANN Program as a whole. Results will be reported to the Secretary in order to respond to Government Performance and Results (GPRA) requirements.

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 2955. 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. E6–2565 Filed 2–22–06; 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 March 27, 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: February 16, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Extension.

Title: Federal Direct PLUS Loan Application and Master Promissory Note, and Endorser Addendum.

Frequency: On occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 230,625.

Burden Hours: 115,313.

Abstract: The PLUS MPN is the means by which an individual applies for and agrees to repay a Federal Direct PLUS Loan. If an applicant for a Federal Direct PLUS Loan is determined to have an adverse credit history and obtains an endorser, the Endorser Addendum is the means by which an endorser agrees to repay the loan if the borrower does not repay it.

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 2942. 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. E6–2566 Filed 2–22–06; 8:45 am]

BILLING CODE 4000–01–P

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 April 24, 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: February 15, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Higher Education Act (HEA) Title II Reporting Forms on Teacher Quality and Preparation.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 1,309.

Burden Hours: 121,632.

Abstract: The Higher Education Act of 1998 calls for annual reports from states and institutions of higher education (IHE) on the quality of teacher education and related matters (Pub. L. 105–244, Section 207:20 U.S.C. 1027). The purpose of the reports is to provide greater accountability in the preparation of America's teaching forces and to provide information and incentives for its improvement. Most IHEs that have teacher preparation programs must report annually to their states on the performance of their program completers on teacher certification tests. States, in turn, must report test performance information, institution by institution, to the Secretary of Education, along with institution rankings. They must also report on their requirements for licensing teachers, state standards, alternative routes to certifications, waivers, and related items.

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 2975. 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. E6–2567 Filed 2–22–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools, Overview Information, Partnerships in Character Education; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215S

DATES

Applications Available: February 23, 2006.

Deadline for Transmittal of Applications: April 10, 2006.

Deadline for Intergovernmental Review: June 12, 2006.

Eligible Applicants: Eligible applicants under this competition are:

(a)(1) A State educational agency (SEA) in partnership with one or more local educational agencies (LEAs); or

(2) An SEA in partnership with one or more LEAs and nonprofit organizations or entities, including an institution of higher education (IHE); and

(b)(1) An LEA or consortium of LEAs; or

(2) An LEA in partnership with one or more nonprofit organizations or entities, including an IHE.

Estimated Available Funds: $16,000,000. Contingent upon the availability of funds, we may make additional awards in FY 2007 and FY 2008, from the rank-ordered list of unfunded applications from this competition.

Estimated Range of Awards: For SEAs, $500,000–$750,000. For LEAs, $250,000–$500,000. We anticipate that applicants that request funding at the higher end of these ranges are planning to implement experimental or quasi-experimental evaluation designs.

Estimated Average Size of Awards: For SEAs, $600,000 for each 12-month budget period. For LEAs, $350,000 for each 12-month budget period.

Minimum Award: Pursuant to Section 5431(a)(4) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA) (20 U.S.C. 7247), we will reject any application from an SEA that proposes a total budget for a single 12-month budget period that is less than $500,000. This restriction does not apply to applications from LEAs.

Estimated Number of Awards: 35.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months, of which no more than 12 months may be used for planning and program design.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Under this program we provide Federal financial assistance to eligible entities to assist them in designing and implementing character education programs that are able to be integrated into classroom instruction and to be consistent with state academic content standards and are able to be carried out in conjunction with other educational reform efforts. These character education programs must take into consideration the view of parents, students, students with disabilities (including those with mental or physical disabilities) and other members of the community, including members of private and nonprofit organizations.

Priorities: This competition includes one absolute priority and one invitational priority. These priorities are as follows.

Absolute Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from Title V, Part D, Subpart 3, Section 5431 of the ESEA (20 U.S.C. 7247). For FY 2006 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, this priority is an absolute priority. To be considered for funding, each applicant must address the absolute priority. Under 34 CFR

75.105(c)(3) we consider only applications that meet this priority.

This priority is: the design and implementation of character education programs that:

(A) Are able to be integrated into classroom instruction and to be consistent with State academic content standards; and

(B) Are able to be carried out in conjunction with other educational reform efforts.

Within this absolute priority, we are particularly interested in applications that address the following invitational priority.

Invitational Priority: For FY 2006 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

The Secretary is particularly interested in projects proposing an evaluation plan that is based on rigorous scientifically based research methods to assess the effectiveness of a particular intervention. The Secretary intends that grantees responding to this priority will work with the Department to determine whether the project produces meaningful effects on student achievement or teacher performance.

Evaluation methods using an experimental design are best for determining project effectiveness. Thus, when feasible, the project should use an experimental design under which participants—*e.g.*, students, teachers, classrooms, or schools—are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated. If random assignment is not feasible, the project may use a quasi-experimental design with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants—*e.g.*, students, teachers, classrooms, or schools—with non-participants having similar pre-program characteristics.

In cases where random assignment is not possible and participation in the intervention is determined by a specified cutting point on a quantified continuum of scores, regression discontinuity designs may be employed.

For projects that are focused on special populations in which sufficient numbers of participants are not available to support random assignment or matched comparison group designs, single-subject designs such as multiple baseline or treatment-reversal or interrupted time series that are capable of demonstrating causal relationships can be employed.

Proposed evaluation strategies that use neither experimental designs with random assignment nor quasi-experimental designs using a matched comparison group nor regression discontinuity designs will not be considered responsive to the priority when sufficient numbers of participants are available to support these designs. Evaluation strategies that involve too small a number of participants to support group designs must be capable of demonstrating the causal effects of an intervention or program on those participants.

The proposed evaluation plan should describe how the project evaluator will collect—before the project intervention commences and after it ends—valid and reliable data that measure the impact of participation in the program or in the comparison group.

In determining the quality of the proposed evaluation method, we will consider the extent to which the applicant presents a feasible, credible plan that includes details such as the following:

(1) The type of design to be used (that is, random assignment or matched comparison). If matched comparison, include in the plan a discussion of why random assignment is not feasible.

(2) Outcomes to be measured.

(3) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.

(4) A proposed evaluator, preferably independent, with the necessary background and technical expertise to carry out the proposed evaluation. An independent evaluator does not have any authority over the project and is not involved in its implementation.

Definitions

As used in this notice—*Scientifically based research* (section 9101(37) NCLB):

(A) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) Includes research that—

(i) Employs systematic, empirical methods that draw on observation or experiment;

(ii) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusion drawn;

(iii) Relies on measurements or observational methods or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Random assignment or experimental design means random assignment of students, teachers, classrooms, or schools to participate in a project being evaluated (treatment group) or not participate in the project (control group). The effect of the project is the difference in outcomes between the treatment and control groups.

Quasi experimental designs include several designs that attempt to approximate a random assignment design.

Carefully matched comparison groups design means a quasi-experimental design in which project participants are matched with non-participants based on key characteristics that are thought to be related to the outcome.

Regression discontinuity design means a quasi-experimental design that closely approximates an experimental design. In a regression discontinuity design, participants are assigned to a treatment or control group based on a numerical rating or score of a variable unrelated to the treatment such as the rating of an application for funding. Eligible students, teachers, classrooms, or schools above a certain score (''cut score'') are assigned to the treatment group and those below the score of applicants' proposal for funding, the (''cut score'') are assigned to the treatment group and those below the score are assigned to the control group. In the case of the scores of applicants' proposals for funding, the ''cut score'' is established at the point where the program funds available are exhausted.

Single subject design means a design that relies on the comparison of treatment effects on a single subject or group of single subjects. There is little confidence that findings based on this design would be the same for other members of the population.

Treatment reversal design means a single subject design in which a pre-treatment or baseline outcome measurement is compared with a post-treatment measure. Treatment would then be stopped for a period of time, a second baseline measure of the outcome would be taken, followed by a second application of the treatment or a different treatment. For example, this design might be used to evaluate a behavior modification program for disabled students with behavior disorders.

Multiple baseline design means a single subject design to address concerns about the effects of normal development, timing of the treatment, and amount of the treatment with treatment-reversal designs by using a varying time schedule for introduction of the treatment and/or treatments of different lengths or intensity.

Interrupted time series design means a quasi-experimental design in which the outcome of interest is measured multiple times before and after the treatment for program participants only.

Program Authority: 20 U.S.C. 7247.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, 99, and 299.

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 IHEs only.

II. Award Information

Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $16,000,000. Contingent upon the availability of funds, we may make additional awards in FY 2007 and FY 2008 from the rank-ordered list of unfunded applications from this competition.

Estimated Range of Awards: For SEAs, $500,000–$750,000. For LEAs, $250,000–$500,000. We anticipate that applicants that request funding at the higher end of these ranges are planning to implement experimental or quasi-experimental evaluation designs.

Estimated Average Size of Awards: For SEAs, $600,000 for each 12-month budget period. For LEAs, $350,000 for each 12-month budget period.

Minimum Award: Pursuant to Section 5431(a)(4) of the ESEA, we will reject any application from an SEA that proposes a total budget for a single budget period that is less than $500,000. This restriction does not apply to applications from LEAs.

Estimated Number of Awards: 35.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months, of which no more than 12 months may be used for planning and program design.

III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants under this competition are:

(a)(1) An SEA in partnership with one or more LEAs; or

(2) An SEA in partnership with one or more LEAs and nonprofit organizations or entities, including an IHE; and

(b)(1) An LEA or consortium of LEAs; or

(2) An LEA in partnership with one or more nonprofit organizations or entities, including an IHE.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Sharon J. Burton, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E322, Washington, DC 20202. Telephone: (202) 205–8122, FAX: (202) 260–7767 or by e-mail: *sharon.burton@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 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 this section.

2. *Content and Form of Application Submission:*

(a) *Statutory Application Requirements:* Each application for a grant under this program must include information that: (1) Demonstrates that the program for which the grant is sought has clear objectives that are based on scientifically based research; (2) describes any partnerships or collaborative efforts among the organizations and entities comprising the eligible entity; (3) describes the activities that will be carried out with the grant funds and how such activities will meet the project objectives, including (i) how parents, students, students with disabilities (including those with mental or physical disabilities), and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program; (ii) curriculum and instructional practices that will be used or developed; and (iii) methods of teacher training and parent education that will be used or developed; (4) describes how the program for which the grant is sought will be linked to other efforts to improve academic achievement, including (i) broader educational reforms that are being instituted by the eligible entity or its partners and (ii) State academic content standards; and (5) describes how the eligible entity will evaluate the success of its program based on the project objectives.

Factors that may be considered in evaluating the success of programs funded include the following: Discipline issues, student academic achievement, participation in extracurricular activities, parental and community involvement, faculty and administration involvement, student and staff morale, and overall improvements in school climate for all students, including students with disabilities.

In addition, any application from an SEA must include information that describes how the SEA (1) will provide technical and professional assistance to its LEA partners in the development and implementation of character education programs; and (2) will assist other interested LEAs that are not members of the original partnership in designing and establishing character education programs.

Each eligible entity receiving a grant must provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in the funded activities.

(b) *Other Application Requirements:* Additional requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

(c) *Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. It is strongly suggested that you limit Part III to the equivalent of no more than 25 pages, using 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 narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the title page, the Application for Federal Assistance (SF 424), the one-page abstract, the budget summary form (ED 524), and the narrative budget justification, any curriculum vitae, the bibliography of literature cited, or the assurances and certifications.

3. *Submission Dates and Times:*

Applications Available: February 23, 2006.

Deadline for Transmittal of Applications: April 10, 2006. Applications for grants under this program, Partnerships in Character Education, may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements.*

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: June 12, 2006.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 part CFR 79. Information about Intergovernmental Review of Federal Competitions under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* An SEA receiving a grant may use no more than 3 percent of the grant funds, each year, for administrative purposes. The remainder of these funds may be used for (a) collaborative initiatives with and between LEAs and schools; (b) the preparation or purchase of materials, and teacher training; (c) providing assistance to LEAs, schools or IHEs; and (d) technical assistance and evaluation.

The regulations on determining allowable costs are in 34 CFR part 80. We reference regulations outlining additional funding restrictions in the *Applicable Regulations* sections of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The Partnerships in Character Education Program-CFDA Number 84.215S is one of the programs included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use 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 application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Partnerships in Character Education 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:

• Your participation in Grants.gov is voluntary.

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are time and date stamped. Your application 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 application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the 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 application deadline date to begin the application 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 program to ensure that you submit your 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 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 application 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 an 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 submit your application in paper format.

• You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (SF 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application 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 application must comply with any page limit requirements described in this notice.

• After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your 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 application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Unavailability

If you are prevented from electronically submitting your application on the application deadline date 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 application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an 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 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 application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your 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 application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the 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 84.215S),
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 84.215S), 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 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 application is postmarked after the application deadline date, we will not consider your 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 submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.215S), 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 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 (SF 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your 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 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:* The selection criteria for this competition are in the application package.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are in 20 U.S.C. 7247. In making selections for funding, we also will ensure, to the extent practicable, that the projects for which we provide funding are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representatives and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your 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. The Secretary will also use this information to respond to reporting requirements concerning this program established in section 5431(h) of the ESEA (20 U.S.C. 7247).

4. *Performance Measure:* We have established one performance indicator for the Partnerships in Character Education Program. The indicator is: Partnerships in Character Education Program grantees will demonstrate predicted student effects through valid, rigorous evaluations. Consequently, applicants for a grant under this

program are advised to give careful consideration to this measure in conceptualizing the design, implementation, and evaluation of their proposed project. If funded, applicants will be asked to collect and report data in their annual performance reports on evaluation outcomes. The Secretary will also use this information to respond to the reporting requirements concerning this program established in section 5431(h) of the ESEA (20 U.S.C. 7247). We will track this indicator through the use of the following measure. This measure is: the proportion of projects funded under this competition demonstrating predicted student effects through valid, rigorous evaluations will increase.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Sharon J. Burton, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E322, Washington, DC 20202. Telephone: (202) 205–8122, FAX: (202) 260–7767 or by e-mail: *sharon.burton@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: February 17, 2006.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E6–2582 Filed 2–22–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools—Discretionary Grant Programs

AGENCY: Office of Safe and Drug-Free Schools, Department of Education.

ACTION: Notice of proposed eligibility requirement.

SUMMARY: The Assistant Deputy Secretary for Safe and Drug-Free Schools proposes an eligibility requirement for the following discretionary grant programs administered by the Office of Safe and Drug-Free Schools (OSDFS Discretionary Grant Programs):

- Federal Activities (CFDA No. 84.184).
- Alcohol Abuse Reduction (CFDA No. 84.184A).
- Mentoring Programs (CFDA No. 84.184B).
- Student Drug Testing (CFDA No. 84.184D).
- Emergency Response and Crisis Management (CFDA No. 84.184E).
- Grants to Prevent High Risk Drinking or Violent Behavior Among College Students (CFDA No. 84.184H).
- Safe Schools/Healthy Students (CFDA No. 84.184L).
- Prevention Models on College Campuses (CFDA No. 84.184N).
- Grants to States to Improve Management of Drug and Violence Prevention Programs (CFDA No. 84.184R).
- Native Hawaiians (CFDA No. 84.186C).
- Elementary and Secondary School Counseling Program (CFDA No. 84.215E).
- Carol M. White Physical Education Program (CFDA No. 84.215F).
- Foundations for Learning (CFDA No. 84.215H).
- Grants to Integrate Schools and Mental Health Systems (CFDA No. 84.215M).
- Partnerships in Character Education Program (CFDA No. 84.215S/V).
- Cooperative Civic Education and Economic Education Exchange (CFDA No. 84.304A).
- Life Skills for State and Local Prisoners (CFDA No. 84.255A).

We may use the eligibility requirement for competitions under the OSDFS Discretionary Grant Programs in fiscal year 2006 and later years. We take this action to focus Federal financial assistance on identified national needs. We intend for the eligibility requirement to ensure an equitable distribution of awards among eligible applicants for grants under the OSDFS Discretionary Grant Programs.

DATES: We must receive your comments on or before March 27, 2006.

ADDRESSES: Address all comments about the eligibility requirement to Nicole White, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E252, Washington, DC 20202–6450. If you prefer to send your comments through the Internet, use the following address: *Nicole.White@ed.gov.*

You must include the phrase ''Office of Safe and Drug-Free Schools—Comments on Proposed Eligibility Requirement'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Nicole White at (202) 260–1131.

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 contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding the proposed eligibility requirement. We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from the proposed eligibility requirement. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about the proposed eligibility requirement, in room 3E328, 400 Maryland Avenue, SW., Washington DC, between the hours of 8:30 a.m. and 4 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed

under **FOR FURTHER INFORMATION CONTACT**.

Proposed Eligibility Requirement

Background

The Office of Safe and Drug-Free Schools (OSDFS) administers, coordinates, and recommends policy for improving the quality and excellence of programs and activities directed toward drug and violence prevention in schools. The OSDFS Discretionary Grant Programs are intended to support this Federal priority by providing initial funding to develop, implement, or expand drug and violence prevention projects at the local and State levels. In addition to providing this initial funding, OSDFS also is committed to promoting sustainability of projects and activities by encouraging grantees to seek other sources of funding and support when their project period ends.

In this notice, we are proposing a requirement that, if applied in a competition under one of the OSDFS Discretionary Grant Programs, would restrict eligibility to only those applicants that do not have an active grant under the specific program. By taking into account an applicant's current Federal funding, we hope to make it possible for the Department to provide funding for applicants that do not currently receive Federal assistance and to provide existing grantees with the incentive to pursue and obtain other funding so that they can continue their projects beyond the Federal project period. To this end, Federal resources and capacity-building opportunities would be made available to a larger pool of applicants.

Note: We will announce the final eligibility requirement in a notice in the **Federal Register**. We will determine the final eligibility requirement after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or using additional eligibility requirements subject to meeting applicable rulemaking requirements. In any given year we elect to use the eligibility requirement, we will announce the eligibility requirement in the **Federal Register** notice governing the applicable grant competition.

Proposed Eligibility Requirement for the Office of Safe and Drug-Free Schools Federal Activities (CFDA No. 84.184); Alcohol Abuse Reduction (CFDA No. 84.184A); Mentoring Programs (CFDA No. 84.184B); Student Drug Testing (CFDA No. 84.184D); Emergency Response and Crisis Management (CFDA No. 84.184E); Grants to Prevent High Risk Drinking or Violent Behavior Among College Students (CFDA No. 84.184H); Safe Schools/Healthy Students (CFDA No. 84.184L); Prevention Models on College Campuses (CFDA No. 84.184N); Grants to States to Improve Management of Drug and Violence Prevention Programs (CFDA No. 84.184R); Native Hawaiians (CFDA No. 84.186C); Elementary and Secondary School Counseling Program (CFDA No. 84.215E); Carol M. White Physical Education Program (CFDA No. 84.215F); Foundations for Learning (CFDA No. 84.215H); Grants to Integrate Schools and Mental Health Systems (CFDA No. 84.215M); Partnerships in Character Education Program (CFDA No. 84.215S/V); Cooperative Civic Education and Economic Education Exchange (CFDA No. 84.304A); and Life Skills for State and Local Prisoners (CFDA No. 84.255A) Programs.

Active Grants

Under this proposed requirement, the Secretary limits eligibility under the discretionary grant program competition to applicants that do not currently have an active grant under the same discretionary grant program.

For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

Executive Order 12866

This notice of proposed eligibility requirement has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with this notice of proposed eligibility requirement are those we have determined as necessary for administering this program effectively and efficiently. The benefit of this proposed eligibility requirement is to ensure that limited Federal financial assistance under the Discretionary Grant Programs is made available in a manner that is fair and equitable to the greatest number of applicants.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed eligibility requirement, we have determined that the benefits of the proposed eligibility requirement justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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.*

Program Authority: 20 U.S.C. 1211–2 (1991), 6715, 7117, 7131, 7139, 7140, 7245, 7247, 7261, 7269, and 7269a.

Dated: February 17, 2006.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E6–2586 Filed 2–22–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

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), Fernald. 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: Saturday, March 4, 2006, 8:30 a.m.–12:30 p.m.

ADDRESSES: Crosby Township Senior Center, 8910 Willey Road, Harrison, Ohio 45030.

FOR FURTHER INFORMATION CONTACT: Doug Sarno, The Perspectives Group, Inc., 1055 North Fairfax Street, Suite 204, Alexandria, VA 22314, at (703) 837–1197, or e-mail: *djsarno@theperspectivesgroup.com.*

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

Goals:

- Identify activities and actions for formalizing the Friends of Fernald concept and plan for the May 20 Forum.
- Identify the full range of historical information, artifacts, and displays desired to portray the history of the Fernald site.
- Review status and identify plan for completing the Fernald Citizens' Advisory Board (FCAB) history and integrating with other history activities.

8:30 a.m. Call to Order.
8:35 a.m. Updates and Announcements.
- February EM SSAB Chairs' Call.
- Spring EM SSAB Chairs' meeting planning and presentation.
- Update on coordination with Rocky Flats Citizens' Advisory Board.
- Local Stakeholder Organization status update.
- Brief site update.

8:45 a.m. Friends of Fernald Discussion.
- Status of Fernald Living History Discussions.
- Plan for May 20 Forum.

10 a.m. Break.
10:15 a.m. Post-Closure Historical Information.
- What is the desired set of materials and information?
- What further role is there for the FCAB?

11:15 a.m. Fernald History Activities.
- FCAB history status.
- Planning to complete FCAB history.

12 p.m. FCAB Meeting Calendar and 2006 Activities.
12:15 p.m. Public Comment.
12:30 p.m. Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received 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. This notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the U.S. Department of Energy's Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to the Fernald Citizens' Advisory Board, MS–76, Post Office Box 538704, Cincinnati, OH 43253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC, on February 17, 2006.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. E6–2578 Filed 2–22–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Comments on Draft Roadmap on Manufacturing Research and Development for the Hydrogen Economy

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice and request for comment.

SUMMARY: The Department of Energy requests comment on its draft Roadmap on Manufacturing Research and Development (R&D) for the Hydrogen Economy. This draft roadmap is designed to guide research and development of manufacturing processes to reduce the cost and enhance the reliability of critical hydrogen and fuel cell components and systems.

DATES: The draft roadmap will be open for public comment until April 24, 2006.

ADDRESSES: The draft roadmap is available at *http://www.hydrogen.energy.gov*. Address all comments on this roadmap via the Web site at *http://www.hydrogen.energy.gov/manufacturing_form.html*.

FOR FURTHER INFORMATION CONTACT: Dr. JoAnn Milliken, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–2H, Attn: JoAnn Milliken, 1000 Independence Avenue, SW., Washington, DC 20585–0121, Phone: (202) 586–2480, e-mail *JoAnn.Milliken@ee.doe.gov*.

SUPPLEMENTARY INFORMATION: The mission of DOE's Hydrogen, Fuel Cells and Infrastructure Technologies Program is to research, develop and validate fuel cell and hydrogen production, delivery, and storage technologies. Hydrogen from diverse domestic resources will then be used in a clean, safe, reliable, and affordable manner in fuel cell vehicles and stationary power applications. Development of hydrogen energy will ensure that the United States has an abundant, reliable, and affordable supply of clean energy to maintain the Nation's prosperity throughout the 21st century.

The President established the Hydrogen Fuel Initiative and the Manufacturing Initiative to meet critical national needs that involve energy security, environmental quality, and economic well-being. The Hydrogen Fuel Initiative aims to reverse America's growing dependence on imported oil by developing the technology needed for commercially viable hydrogen-powered fuel cells. The Manufacturing Initiative, which addresses the entire manufacturing sector in the United States, will strengthen American manufacturing, create new jobs, and help U.S. manufacturers become more competitive in the global marketplace. The Roadmap on Manufacturing R&D for the Hydrogen Economy describes activities at the intersection of these two initiatives. Manufacturing covers a broad range of components and systems related to hydrogen production and delivery, fuel cells, and hydrogen storage. The transition to a hydrogen economy will take decades. Significant challenges must be overcome to move from today's components and systems, built using laboratory-scale fabrication technologies, to high-volume commercially manufactured products. Essential manufacturing needs for the initial transition to a hydrogen economy include distributed production and delivery, on-board vehicle storage, and polymer electrolyte membrane fuel cells.

The roadmap identifies the challenges to manufacturing the hydrogen

production, storage, and fuel cell technologies that will be required for the initial transition to the hydrogen economy. R&D of manufacturing processes will play a pivotal role in reducing cost of hydrogen technologies and in building the supplier base needed to move the U.S. toward a clean and sustainable energy future.

Based on the results of a July 2005 workshop, the roadmap consolidates recommendations of hydrogen and fuel cell experts from industry, universities, and national laboratories. Led by the DOE and the National Institute of Standards and Technology, the workshop and roadmap are the result of a collaboration of the Interagency Working Group on Manufacturing R&D established through the President's National Science and Technology Council. See the press release from Energy Secretary Samuel W. Bodman at *http://www.energy.gov/print/3098.htm*. The roadmap is posted on the Internet at the Web site identified in the **ADDRESSES** section of this notice.

The goal of the DOE Hydrogen Program is to develop the technology needed for commercially viable hydrogen-powered fuel cells by 2015. Through public-private partnerships, the DOE is working to reduce the cost and enhance the durability of hydrogen technologies to enable industry to put fuel cell vehicles in the showroom and provide hydrogen at refueling stations by 2020.

For more information about the DOE Hydrogen Program, visit *http://www.hydrogen.energy.gov*.

Issued in Washington, DC, on February 17, 2006.

Douglas L. Faulkner,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 06–1704 Filed 2–22–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R04–OAR–2005–AL–0003–200604; FRL–8036–2]

Adequacy Status of the Birmingham, AL 8-hour Ozone Redesignation and Maintenance Demonstration for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that EPA has found that the Motor Vehicle Emissions Budgets (MVEBs) in the Birmingham, Alabama 8-hour ozone redesignation and maintenance demonstration, dated January 27, 2006, by the Alabama Department of Environmental Management (ADEM), are adequate for transportation conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for transportation conformity determinations until EPA has affirmatively found them adequate. As a result of EPA's finding, the Birmingham area can use the MVEBs from the submitted Birmingham, Alabama 8-hour ozone maintenance plan for future conformity determinations.

DATES: These MVEBs are effective March 10, 2006.

FOR FURTHER INFORMATION CONTACT: Amanetta Wood, Environmental Scientist, U.S. Environmental Protection Agency, Region 4, Air Planning Branch, Air Quality Modeling and Transportation Section, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Ms. Wood can also be reached by telephone at (404) 562–9025, or via electronic mail at *wood.amanetta@epa.gov.* The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/transp.htm* (once there, click on the ''Transportation Conformity'' text icon, then look for ''Adequacy Review of SIP Submissions'').

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that EPA has already made. EPA Region 4 sent a letter to ADEM on February 2, 2006, stating that the MVEBs in the submitted Birmingham, Alabama 8-hour ozone maintenance plan, dated January 27, 2006, are adequate. The Birmingham, Alabama 8-hour ozone maintenance area is comprised of Jefferson and Shelby Counties. EPA's adequacy comment period ran from November 17, 2005, through December 19, 2005. During EPA's adequacy comment period no adverse comments were received. This finding has also been announced on EPA's conformity Web site: *http://www.epa.gov/otaq/transp/conform/adequacy.htm*, (once there, look for ''What SIP submissions are currently under EPA Adequacy Review?''). The adequate MVEBs are provided in the following table:

BIRMINGHAM AREA MVEBS

[Tons per day]

	2017
VOC	23

BIRMINGHAM AREA MVEBS—Continued

[Tons per day]

	2017
NO_X	42

Transportation conformity is required by section 176(c) of the Clean Air Act, as amended in 1990. EPA's conformity rule requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if EPA finds the MVEBs adequate, the Agency may later determine that the SIP itself is not approvable.

EPA has described the process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999, memorandum entitled ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision''). EPA has followed this guidance in making this adequacy determination. This guidance is incorporated into EPA's July 1, 2004, final rulemaking entitled, '' Transportation Conformity Rule Amendments for the New 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes'' (69 FR 40004).

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 13, 2006.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. E6–2575 Filed 2–22–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8036–1; Docket No. ORD 2003–0016]

Integrated Risk Information System (IRIS); Announcement of 2006 Program

AGENCY: Environmental Protection Agency.

ACTION: Notice; announcement of IRIS 2006 program agenda.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing the IRIS 2006 agenda.

The Integrated Risk Information System (IRIS) is an EPA database that contains the Agency's scientific positions on human health effects that may result from exposure to chemical substances in the environment. On March 4, 2005, EPA announced the 2005 IRIS agenda (42FR10616), with solicitation of scientific information from the public for consideration in assessing health effects from specific chemical substances. All assessments currently in progress are listed in this notice. EPA is not initiating new assessments in 2006 in order to focus on completion of existing assessments. This notice also provides an update on EPA's efforts to improve the IRIS health assessment development and review processes.

DATES: While EPA is not expressly soliciting comments on this notice, the Agency will accept information related to the substances included herein. Please submit any information in accordance with the instructions provided at the end of this notice.

ADDRESSES: Please submit relevant scientific information identified by docket ID number EPA–HQ–ORD–2003–0016, online at *http://www.regulations.gov* (EPA's preferred method); by e-mail to *ord.docket@epa.gov*; mailed to EPA Docket Center, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or as an ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: For information on the IRIS program, contact Amy Mills, IRIS Program Director, National Center for Environmental Assessment, (mail code: 8601D), Office of Research and Development, U.S. Environmental Protection Agency, Washington, DC. 20460; telephone: (202) 564–3204, facsimile: (202) 565–0075; or e-mail: *mills.amy@epa.gov.*

For general questions about access to IRIS, or the content of IRIS, please call the IRIS Hotline at (202) 566–1676 or send electronic mail inquiries to *hotline.iris@epa.gov*.

SUPPLEMENTARY INFORMATION:

Background

IRIS is an EPA database containing Agency scientific positions on potential adverse human health effects that may result from exposure to chemical substances found in the environment. (EPA notes that information in the IRIS database has no preclusive effect and does not predetermine the outcome of any rulemaking. When EPA uses such information to support a rulemaking, the scientific basis for, and the application of, that information are subject to comment.) IRIS currently provides information on health effects associated with more than 500 chemical substances.

The database includes chemical-specific summaries of qualitative and quantitative health information in support of the first two steps of the risk assessment process, *i.e.*, hazard identification and dose-response evaluation. Combined with specific situational exposure assessment information, the information in IRIS is an important source in evaluating potential public health risks from environmental contaminants.

EPA's overall process for developing IRIS assessments consists of: (1) An annual **Federal Register** announcement of EPA's IRIS agenda and call for scientific information from the public on selected chemical substances; (2) a search of the scientific literature; (3) development of IRIS Summaries and support documents; (4) EPA-wide review; (5) external peer review; (6) management review and approval; and (7) entry of IRIS Summaries and support documents into the IRIS database (*http://www.epa.gov/iris*).

The IRIS Annual Agenda

Each year, EPA develops an annual agenda for the IRIS program and announces new assessments under review. A focus of the IRIS Program for 2006 is to move forward the 76 assessments already in progress. In light of this focus, EPA will not initiate any new assessments in 2006. This notice provides: (1) A list of IRIS assessments in progress; (2) an update on improvements made to the IRIS program and preliminary notice of further improvements under consideration.

Assessments in Progress

The following assessments are underway. Each was listed in the 2005 IRIS agenda. The status and planned milestone dates for each assessment can be found on the IRIS Track system, accessible from the IRIS database. All health endpoints due to chronic exposure, cancer and noncancer, are being assessed unless otherwise noted. For all endpoints assessed, both qualitative and quantitative assessments are being developed where information is available. Those substances denoted with an asterisk (*) may require additional time for analysis or peer review due to their large databases or complex assessment issues. Substances denoted with a double asterisk (**) are being evaluated for effects from acute and/or other less-than-lifetime exposure durations. These substances are part of a pilot test to evaluate the application of methods, procedures, and resource needs for adding health effects information for less-than-lifetime exposure durations to IRIS. Additional less-than-lifetime durations may be added to ongoing chronic assessments as needs arise and resources permit.

Substance name	CAS No.
acetaldehyde	75–07–0
acrolein**	107–02–8
acrylamide	79–06–1
acrylonitrile	107–13–1
aldicarb/aldicarb sulfoxide	116–06–3/1646–87–3
aldicarb sulfone	1646–88–4
arsenic	7440–38–2
asbestos*	1332–21–4
benzene**	71–43–2
benzo(a)pyrene	50–32–8
beryllium (cancer effects)	7440–41–7
bromobenzene	108–86–1
bromodichloromethane	75–27–4
bromoform	75–25–2
butyl benzyl phthalate	85–68–7
cadmium	7440–43–9
carbon tetrachloride	56–23–5
cerium	1306–38–3
chloroethane	75–00–3
chloroform (inhalation route)	67–66–3
chloroprene	126–99–8
cobalt	7440–48–4
copper	7440–50–8
Cryptosporidium	(2)
dibromochloromethane	124–48–1
dibutyl phthalate (chronic; less-than-lifetime** exposures)	84–74–2
1,2-dichlorobenzene	95–50–1
1,3-dichlorobenzene	541–73–1
1,4-dichlorobenzene	106–46–7
1,2-dichloroethylene	540–59–0
di(2-ethylhexyl)adipate (DEHA)	103–23–1
di(2-ethylhexyl)phthalate	117–81–7
1,4-dioxane	123–91–1
ethanol	64–17–5
ethyl tertiary butyl ether	637–92–3
ethylbenzene	100–41–4
ethylene dichloride	107–06–2
ethylene glycol monobutyl ether (cancer effects)	111–76–2
ethylene oxide (cancer effects; noncancer acute** exp.)	75–21–8
formaldehyde*	50–00–0
hexachlorobutadiene	87–68–3
hexachloroethane	67–72–1
hexachlorocyclopentadiene**	77–47–4
hexahydro-1,3,5-trinitro-triazine (RDX)	121–82–4
2-hexanone	591–78–6
hydrogen cyanide	74–90–8
hydrogen sulfide**	7783–06–4
isopropanol	67–63–0
kepone	43–50–0
methanol	67–56–1
methyl tert-butyl ether (MTBE)	1634–04–4
methylene chloride (dichloromethane)	75–09–2
mirex	2385–85–5
naphthalene (inhalation route)*	91–20–3
nickel (soluble salts)	(2)
nitrobenzene	98–95–3
PAH mixtures*	(2)
pentachlorophenol	87–86–5
perfluorooctanoic acid-ammonium salt (PFOA)	3825–26–1
perfluorooctane sulfonate-potassium salt (PFOS)	2795–39–3
phosgene (acute** exposure)	75–44–5
platinum	7440–06–4
polybrominated diphenyl ethers (tetra, penta, hexa, deca-BDEs)	(2)
polychlorinated biphenyls (PCBs) (noncancer endpoints)	1336–36–3
propionaldehyde	123–38–6
refractory ceramic fibers	(1)
styrene	100–42–5
2,3,7,8-TCDD (dioxin)*	1746–01–6
1,1,2,2-tetrachloroethane (chronic; less-than-lifetime** exp.)	79–34–5
tetrachloroethylene (perchloroethylene)	127–18–4
tetrahydrofuran	109–99–9
thallium	7440–28–0
trichloroacetic acid	76–03–9
1,1,1-trichloroethane (chronic; less-than-lifetime** exp.)	71–55–6

Substance name	CAS No.
trichloroethylene*	79–01–6
1,2,3-trichloropropane	96–18–4
2,2,4-trimethylpentane	540–84–1
uranium compounds	(2)
vinyl acetate	108–05–4

[1] Not applicable.
[2] Not applicable—various.

Note that the asbestos noncancer assessment has been expanded to include cancer effects. This is the only substantive change to the 2005 IRIS agenda.

IRIS Summaries and support documents for all substances listed as on-going assessments in 2006 will be provided on the IRIS Web site at *http://www.epa.gov/iris* as they are completed. This publicly available Web site is EPA's primary location for IRIS documents. In addition, external peer review drafts of IRIS assessments are posted for public information and comment. These drafts will continue to be accessible via the IRIS and NCEA Web sites. Note that these drafts are intended for public information only, and do not represent the Agency's final position.

Other Improvements to the IRIS Program—Update

As discussed in the **Federal Register** notice announcing the 2005 agenda, EPA is improving the IRIS program and its products through a series of program reforms. EPA has expanded its central IRIS Staff to better manage the program and promote scientific quality and consistency. In addition, external scientific peer reviews are being conducted routinely by panel meetings rather than by mail reviews. This step is being taken to provide the best possible scientific evaluation of each assessment. Further, EPA now conducts each external peer review at the end of each IRIS assessment review process, strengthening the role of peer review in informing the outcome of the process. A public comment period prior to panel peer review meetings is now standard practice, and the meetings are open to the public for observation. These program reforms facilitate scientific input from the public and make the peer review process more transparent.

Further enhancements to the IRIS assessment development and review process are currently under consideration. A follow-up notice will be published in the **Federal Register** to announce a public workshop on proposed additions to the IRIS process in 2006.

General Information

As of Monday, November 28, 2005, EPA's EDOCKET was replaced by the Federal Docket Management System (FDMS), the new federal government-wide system. FDMS was created to provide a single point of access to all federal rulemaking activities. All materials previously found in EDOCKET are now available on the Internet at *http://www.regulations.gov.*

A. How Can I Get Copies of Related Information?

EPA has established an official public docket for this action under Docket ID No. ORD 2003–0016. The official public docket is the collection of materials that is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system. EPA Dockets at *http://www.regulations.gov* may be used to submit or view public submissions, 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. Once in the system, select ''search,'' then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public submissions, 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 submission contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and To Whom Do I Submit Information?

Information on chemical substances listed in this notice may be submitted as provided in the **ADDRESSES** section. If you submit electronic information, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your submission and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the information and allows EPA to contact you in case EPA cannot read your information due to technical difficulties or needs further information on the substance of your submission. Any identifying or contact information provided in the body of submitted information will be included as part of the submission information that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your information due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your information.

Your use of EPA's electronic public docket to submit information to EPA electronically is EPA's preferred method for receiving submissions. The electronic public docket 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 submission. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an ''anonymous access'' system. If you send e-mail directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as

part of the submission that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 15, 2006.

Peter Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E6–2576 Filed 2–22–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–OW–8035–9]

Notice of Availability of Final Recommended Aquatic Life Ambient Water Quality Criteria for Diazinon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability of final recommended aquatic life ambient water quality criteria for diazinon. The Clean Water Act (CWA) requires EPA to develop and publish, and from time to time revise, recommended criteria for water accurately reflecting the latest scientific knowledge. These criteria provide EPA's recommendations to states and authorized tribes as they establish their water quality standards as state or tribal law or regulation. An EPA ambient water quality criterion does not substitute for EPA regulations, nor is it a regulation. It does not impose legally binding requirements on the EPA, states, authorized tribes or the regulated community. State and tribal decision makers have discretion to adopt approaches that differ from EPA's guidance.

ADDRESSES: Copies of the criteria document entitled, *Ambient Aquatic Life Water Quality Criteria for Diazinon—Final (EPA–822–F–05–001)* may be obtained from EPA's Water Resource Center by phone at (202) 566–1729, or by e-mail to *center.water.resource@epa.gov* or by conventional mail to: EPA Water Resource Center, 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. You can also download the document from EPA's Web site at *http://www.epa.gov/waterscience/criteria/diazinon/.*

FOR FURTHER INFORMATION CONTACT: Rick Stevens, U.S. EPA, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; (202) 566–1135; *stevens.rick@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Interested Entities

Entities potentially interested in today's notice are those that produce, use, or regulate diazinon. Categories and entities interested in today's notice include:

Category	Examples of interested entities
State/Local/Tribal Government.	Water Quality Officials.
Insecticide Producers	U.S. and International Chemical Companies.
Insecticide Users	Growers of fruit, vegetable, nut, and ornamental crops.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in this notice. This table lists the types of entities that EPA is aware could potentially be interested in this notice. Other types of entities not listed in the table could also be interested.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for the diazinon final recommended ambient aquatic life water quality criteria under Docket ID No. OW–2003–0062. The official public docket also consists of the draft criteria document, and scientific views received. 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. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. To view these documents and materials, please call ahead to schedule an appointment. Every user is entitled to copy 266 pages per day before incurring a charge. The Docket may charge 15 cents a page for each page over the 266-page limit plus an administrative fee of $25.00.

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/.*

II. Background and Today's Notice

A. What Are Recommended Ambient Water Quality Criteria?

An EPA recommended water quality criterion is a level of a pollutant or other measurable substance in water that, when met, will protect aquatic life and/or human health. Section 304(a) of the Clean Water Act (CWA) requires EPA to develop and publish and, from time to time, revise recommended water quality criteria to accurately reflect the latest scientific knowledge. Water quality criteria developed under section 304(a) provide guidance to states and tribes in adopting water quality criteria into their water quality standards under section 303(c). Once adopted by a state or tribe, the water quality standards then are a basis for developing regulatory controls on the discharge or release of pollutants. EPA's section 304(a) criteria also provide a scientific basis for EPA to develop any necessary federal water quality regulations under section 303(c) of the CWA.

The recommended criteria in today's notice are based on the factors specified in section 304(a) of the Clean Water Act, including the kind and extent of effects of the pollutant on human health and aquatic organisms. EPA's recommended criteria are used by states and tribes in developing their regulatory criteria under section 303(c) of the CWA. Under the Clean Water Act, regulatory criteria must protect the designated use, independent of the economic and technical feasibility of meeting the criteria. Economic and technical feasibility factors are considered by states and tribes when they adopt designated uses into their water quality standards under section 303(c) of the Act and when states, tribes, and EPA consider variance requests for regulatory controls. Moreover, states and tribes may also consider alternative scientifically-defensible approaches to adopting criteria into their water quality standards.

B. What Is Diazinon and Why Are We Concerned About It?

Diazinon is an organophosphorus pesticide traditionally used throughout the U.S. to control insects in agricultural areas, households and urban settings. However, as of December 31, 2004, all residential uses of diazinon products in the United States have been phased out or cancelled.

Diazinon is mobile and moderately persistent in the environment. Due to its chemical properties and widespread

use, diazinon is frequently found in effluents from wastewater treatment plants and in storm water runoff in both urban and agricultural areas. Diazinon is toxic to aquatic life, particularly invertebrates. For these reasons, EPA has developed aquatic life ambient water quality criteria to protect against adverse effects of diazinon.

C. What Are the National Recommended Water Quality Criteria for Diazinon?

Freshwater

Aquatic life should not be affected unacceptably if the:

One-hour average concentration of diazinon does not exceed 0.17 micrograms per liter more than once every three years on the average (Acute Criterion), and

Four-day average concentration of diazinon does not exceed 0.17 micrograms per liter more than once every three years on the average (Chronic Criterion).

Saltwater

Aquatic life should not be affected unacceptably if the:

One-hour average concentration of diazinon does not exceed 0.82 micrograms per liter more than once every three years on the average (Acute Criterion), and

Four-day average concentration of diazinon does not exceed 0.82 micrograms per liter more than once every three years on the average (Chronic Criterion).

D. Why Is EPA Notifying the Public About the Final Diazinon Ambient Water Quality Criteria?

On December 31, 2003, EPA notified the public that draft aquatic life criteria for diazinon were available and solicited scientific views on those criteria (68 FR 75555). Based on data and information submitted, EPA revised the draft criteria and is now making the final aquatic life criteria recommendations. While these criteria recommendations do not, in themselves, impose any requirements, states and authorized tribes can use them to develop water quality standards.

E. What New Data and Changes Have Been Included in the Final Criteria Recommendations?

New data on the toxicity of diazinon to the invertebrate species, *Gammarus pseudolimnaeus,* were submitted to EPA during the comment and scientific view period (Hall and Anderson 2004). These new data were reviewed per EPA's *Guidelines for deriving numerical national water quality criteria for the protection of aquatic organisms and their uses* (Stephan *et al.*, 1985) and found to be acceptable. These data were included in the data set used to derive the final acute freshwater criteria in Table 1 of the final criteria document.

Comparison of the new data for the *Gammarus pseudolimnaeus* to existing data for another species in the genus *Gammarus (Gammarrus faciatus)* showed a range in sensitivity between the two species in the genus. Furthermore, the apparent sensitivity of *Gammarus faciatus* was notably greater than other invertebrate species. Based on these findings, EPA requested a review of the original *G. faciatus* toxicity test data by the U.S. Geological Survey's (USGS) laboratory where the original testing was conducted. The USGS review of the *Gammarus faciatus* toxicity test documentation revealed that the acute toxicity values reported for the test, both in the original publication (Johnson and Finley, 1980) and in a subsequent compilation publication (Mayer and Ellersick, 1986) were in error. The USGS advised EPA, in writing, that the acute LC50 for *Gammarus faciatus* should be reported as 2.0 micrograms per liter, not as 0.2 micrograms per liter (Ingersoll, 2004). This correction in the acute toxicity LC50 for *Gammarus faciatus* is included in Table 1 of EPA's final criteria document.

The addition of the new toxicity data for *Gammarus pseudolimnaeus* and the change to the toxicity data for *Gammarus faciatus* result in a change in the genus mean acute value (GMAV) for *Gammarus* from 0.2 micrograms per liter to 5.8 micrograms per liter (see Table 1 and 3 in the final criteria document). The new data and correction also change the rank order of the GMAVs (*Gammarus* GMAV rank changes from 1 to 4) and, ultimately, the final recommended acute freshwater criteria value, from 0.10 micrograms per liter to 0.17 micrograms per liter.

Based on scientific views received and additional internal review, EPA also changed the final chronic saltwater criterion. In the draft criteria document, the saltwater Final Chronic Value (FCV), derived using the procedures outlined in the *Guidelines,* was 0.82 micrograms per liter. However, the saltwater FCV value was lowered to the Species Mean Chronic Value (SMCV) of the sheepshead minnow on the basis of it being a commercially or recreationally important species. EPA received scientific views indicating that while sheepshead minnow is an ecologically important species, it is not recognized as recreationally or commercially important. Consideration of these views resulted in EPA's conclusion that use of the SMCV as the basis of the saltwater criterion is unwarranted. Thus, the final saltwater species four-day average concentration of diazinon is based on the Final Chronic Value calculated by dividing the Final Acute Value (1.64 micrograms per liter) by the Final Acute-Chronic Ratio (2.0). Reconsideration of the sheepshead minnow data changes the final recommended chronic saltwater criteria value from 0.40 micrograms per liter to 0.82 micrograms per liter.

References

Hall, L.W. and R.D. Anderson. 2004. Acute Toxicity of Diazinon to the Amphipod, *Gammarus pseudolimnaeus.* University of Maryland, Agricultural Experiment Station, Queenstown, MD.

Ingersoll, C. 2004. Diazinon toxicity data for *Gammarus fasciatus* reported in Johnson and Finley (1980) and in Mayer and Ellersieck (1986). Letter dated October 5, 2004 from U.S. Department of the Interior to E.V. Ohanian, U.S. Environmental Protection Agency, Washington, DC.

Johnson, W.W. and M.T. Finley. 1980. Handbook of acute toxicity of chemicals to fish and aquatic invertebrates. Resource Publication 137. U.S. Fish and Wildlife Service, Washington, DC.

Mayer, F.L. Jr. and M.R. Ellersick, 1986. Manual of acute toxicity: Interpretation and data base for 410 chemicals and 66 species of freshwater animals. Resource Publication No. 160, U.S. Fish and Wildlife Service, Washington, DC.

Stephan, C.E., D.I. Mount, D.J. Hansen, J.H. Gentile, G.A. Chapman and W.A. Brungs. 1985. Guidelines for deriving numerical national water quality criteria for the protection of aquatic organisms and their uses. PB85–227049. National Technical Information Service, Springfield, VA.

Dated: February 15, 2006.

Ephraim S. King,

Director, Office of Science and Technology.

[FR Doc. E6–2557 Filed 2–22–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–OW–8035–8]

Notice of Availability of Final Aquatic Life Ambient Water Quality Criteria for Nonylphenol

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability of final recommended aquatic life ambient water quality criteria for nonylphenol. The Clean Water Act (CWA) requires EPA to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. These criteria provide EPA's recommendations to states and authorized tribes as they establish their water quality standards as state or tribal law or regulation. An EPA water quality criterion does not substitute for CWA or EPA regulations, nor is it a regulation. It does not impose legally binding requirements on the EPA, states, authorized tribes or the regulated community. State and tribal decision makers have discretion to adopt approaches that differ from EPA's guidance on a case-by-case basis.

ADDRESSES: Copies of the criteria document entitled, Aquatic Life Ambient Water Quality Criteria—Nonylphenol—Final (EPA–822–R–05–005) may be obtained from EPA's Water Resource Center by phone at (202) 566–1729, or by e-mail to *center.water.resource@epa.gov* or by conventional mail to: U.S. EPA Water Resource Center, 4101T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. You can also download the document from EPA's Web site at *http://www.epa.gov/waterscience/criteria/nonylphenol/.*

FOR FURTHER INFORMATION CONTACT: Dr. Frank Gostomski, Health and Ecological Criteria Division (4304T), U.S. EPA, 1200 Pennsylvania Avenue NW., Washington, DC 20460; (202) 566–1105; *gostomski.frank@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Interested Entities

Entities potentially interested in today's notice are those that produce, use, or regulate nonylphenol. Categories and entities interested in today's notice include:

Category	Examples of interested entities
State/Local/Tribal Government.	States and Tribes.
Nonylphenol Dischargers.	Sewage treatment plants.
Nonylphenol Users	Producers of surfactants.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding the entities likely to be interested in this notice. Other types of entities not listed in the table could also be interested.

B. How Can I Get Copies of This Document and Other Related Information?

1. Docket. EPA has established an official public docket for this notice under Docket ID No. OW–2003–0080. The official public docket also consists of the draft criteria document, and scientific views received. 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. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. To view these documents and materials, please call ahead to schedule an appointment. Every user is entitled to copy 266 pages per day before incurring a charge. The Docket may charge 15 cents a page for each page over the 266-page limit plus an administrative fee of $25.00.

2. Electronic Access. You may access this **Federal Register** document electronically through the EPA's Internet listings under the **Federal Register** at *http://www.epa.gov/fedrgstr/.*

II. Background and Today's Notice

A. What Are EPA Recommended Ambient Water Quality Criteria?

An EPA recommended ambient water quality criterion is a level of a pollutant or other measurable substance in water that, when met, will protect aquatic life and/or human health. Section 304 (a) of the Clean Water Act (CWA) requires EPA to develop and publish and, from time to time, revise, recommended ambient water quality criteria to accurately reflect the latest scientific knowledge. Ambient water quality criteria developed under section 304 (a) provide guidance to states and tribes in adopting water quality criteria into their water quality standards under section 303 (c) of the CWA. Once adopted by a state or tribe, the water quality standards are then a basis for developing regulatory controls on the discharge or release of pollutants and other alterations of water quality. EPA's section 304 (a) criteria also provide a scientific basis for EPA to develop any necessary federal water quality regulations under section 303 (c) of the CWA.

The recommended criteria in today's notice are based on the factors specified in Section 304(a) of the Clean Water Act, including the kind and extent of effects of the pollutant on human health and aquatic organisms. EPA's recommended criteria are used by the states and tribes in developing their regulatory criteria under Section 303(c) of the CWA. Under the Clean Water Act, regulatory criteria must protect the designated use, independent of the economic and technical feasibility of meeting the criteria. Economic and technical feasibility factors are considered by states and tribes when they adopt designated uses into their water quality standards under Section 303(c) of the Act and when states, tribes, and EPA consider variance requests for regulatory controls. Moreover, states and tribes may also consider alternative scientifically-defensible approaches to adopting criteria into their water quality standards.

B. What Is Nonylphenol and Why Are We Concerned About It?

Nonylphenol is an organic chemical used primarily as an intermediate to produce nonionic surfactants of the nonylphenol ethoxylate type. It is produced in large quantities in the United States. It is toxic to aquatic organisms and is found in ambient waters. Environmental exposure occurs mainly from its release as a breakdown product from industrial and domestic sewage treatment plant effluents. Nonylphenol is moderately soluble and resistant to natural degradation in water. Because of nonylphenol's toxicity, chemical properties, and widespread use as a chemical intermediate, concerns have been raised over the potential risks to aquatic organisms posed by exposure to it. For these reasons, EPA has developed ambient water quality criteria for nonylphenol.

C. What Are the National Recommended Ambient Water Quality Criteria for Nonylphenol?

Freshwater: Aquatic life should not be affected unacceptably if the:

One-hour average concentration of nonylphenol does not exceed 28 μg/L more than once every three years on the average (Criteria Maximum Concentration (CMC) or Acute Criterion); and Four-day average concentration of nonylphenol does not

exceed 6.6 μg/L more than once every three years on the average (Criteria Continuous Concentration (CCC) or Chronic Criterion).

Saltwater: Aquatic life should not be affected unacceptably if the:

One-hour average concentration of nonylphenol does not exceed 7.0 μg/L more than once every three years on the average (Criteria Maximum Concentration (CMC) or Acute Criterion); and Four-day average concentration of nonylphenol does not exceed 1.7 μg/L more than once every three years on the average (Criteria Continuous Concentration (CCC) or Chronic Criterion).

D. Why Is EPA Notifying the Public About the Final Aquatic Life Ambient Water Quality Criteria for Nonylphenol and How Did the Criteria Change?

Today, EPA is notifying the public that the final aquatic life ambient water quality criteria for nonylphenol are available. In a separate **Federal Register** on January 5, 2004 (69 FR 340), EPA notified the public that draft aquatic life ambient water quality criteria for nonylphenol were available and solicited scientific input. Based on the information and data submitted, EPA revised the draft criteria and is now making the final aquatic life ambient water quality criteria for nonylphenol available to the public. The freshwater acute criterion of 28 μg/L did not change. Recalculation of the final acute/chronic ratio for nonylphenol resulted in changing the final freshwater chronic criterion from 5.9 μg/L to 6.6 μg/L. The saltwater acute criterion changed from 6.7 μg/L to 7.0 μg/L. The saltwater chronic criterion changed from 1.4 μg/L to 1.7 μg/L.

E. What Other Activities Is EPA Engaged in Related to Nonylphenol?

As part of its Environmental Stewardship program, EPA is developing the Safer Detergents Stewardship Initiative (SDSI). The SDSI would help ensure the health, safety, and vitality of U.S. waters by encouraging the development, manufacture, and use of safer detergents.

The Agency is initiating this new program, in part, because of the increasing levels of nonylphenol in certain receiving streams, which appear to correlate with increasing production and use of nonylphenol ethoxylate surfactants. By encouraging the manufacture and use of safer surfactants, the SDSI aims to reduce the quantity of nonylphenol ethoxylates discharged to ambient waters. The SDSI and the recommended ambient water quality criteria for nonylphenol complement one another as components in EPA's efforts to protect U.S. waters.

SDSI is cosponsored by the Office of Prevention, Pesticides and Toxic Substances (OPPTS) and the Office of Water (OW). To learn more about the SDSI, visit *http://www.epa.gov/dfe/* or for further information, contact David DiFiore, Economics, Exposure and Technology Division (7406M), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; (202) 564–8796; *difiore.david@epa.gov.*

Dated: February 16, 2006.

Ephraim S. King,

Director, Office of Science and Technology.

[FR Doc. E6–2558 Filed 2–22–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 05–21]

FEDERAL RESERVE SYSTEM

[Docket No. OP–1246]

FEDERAL DEPOSIT INSURANCE CORPORATION

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[No. 2005–56]

NATIONAL CREDIT UNION ADMINISTRATION

Interagency Guidance on Nontraditional Mortgage Products; Extension of Comment Period

AGENCIES: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision, Treasury (OTS); and National Credit Union Administration (NCUA).

ACTION: Proposed guidance; extension of comment period.

SUMMARY: On December 29, 2005, the OCC, Board, FDIC, OTS, and NCUA (the Agencies) published for public comment proposed Interagency Guidance on Nontraditional Mortgage Products (Guidance). The Agencies are extending the comment period on the proposed guidance for 30 days.

DATES: Comments must be submitted on or before March 29, 2006.

ADDRESSES: The Agencies will jointly review all of the comments submitted. Therefore, interested parties may send comments to any of the Agencies and need not send comments (or copies) to all of the Agencies. Please consider submitting your comments by e-mail or fax since paper mail in the Washington area and at the Agencies is subject to delay. Interested parties are invited to submit comments to:

OCC: You should include ''OCC'' and Docket Number 05–21 in your comment. You may submit your comment by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- OCC Web site: *http://www.occ.treas.gov.* Click on ''Contact the OCC,'' scroll down and click on ''Comments on Proposed Regulations.''
- E-Mail Address: *regs.comments@occ.treas.gov.*
- Fax: (202) 874–4448.
- Mail: Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 1–5, Washington, DC 20219.
- Hand Delivery/Courier: 250 E Street, SW., Attn: Public Information Room, Mail Stop 1–5, Washington, DC 20219.

Instructions: All submissions received must include the agency name (OCC) and docket number for this notice. In general, the OCC will enter all comments received into the docket without change, including any business or personal information that you provide.

You may review comments and other related materials by any of the following methods:

- Viewing Comments Personally: You may personally inspect and photocopy comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC. You can make an appointment to inspect comments by calling (202) 874–5043.
- Viewing Comments Electronically: You may request that we send you an electronic copy of comments via e-mail or mail you a CD–ROM containing electronic copies by contacting the OCC at *regs.comments@occ.treas.gov.*
- Docket Information: You may also request available background documents and project summaries using the methods described above.

Board: You may submit comments, identified by Docket No. OP–1246, by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

• E-mail: *regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.

• FAX: 202/452–3819 or 202/452–3102.

• Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed in electronic or paper form in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

FDIC: You may submit comments by any of the following methods:

• Agency Web site: *http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow the instructions for submitting comments on the Agency Web site.

• E-Mail: *Comments@FDIC.gov.*

• Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

• Hand Delivery/Courier: Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All submissions received must include the agency name. All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/propose.html* including any personal information provided.

OTS: You may submit comments, identified by docket number 2005–56, by any of the following methods:

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

• E-mail address: *regs.comments@ots.treas.gov.* Please include docket number 2005–56 in the subject line of the message and include your name and telephone number in the message.

• Fax: (202) 906–6518.

• Mail: Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: No. 2005–56.

• Hand Delivery/Courier: Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days. Address envelope as follows: Attention: Regulation Comments, Chief Counsel's Office, Attention: No. 2005–56.

Instructions: All submissions received must include the agency name and docket number for this proposed Guidance. All comments received will be posted without change to the OTS Internet site at *http://www.ots.treas.gov/pagehtml.cfm?catNumber=67&an=1,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.ots.treas.gov/pagehtml.cfm?catNumber=67&an=1.* In addition, you may inspect comments at the OTS's Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755. (Prior notice identifying the materials you will be requesting will assist us in serving you.) We schedule appointments on business days between 10 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date we receive a request.

NCUA: You may submit comments by any of the following methods:

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

• NCUA Web site: *http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.

• E-mail: Address to *regcomments@ncua.gov.* Include ''[Your name] Comments on Interagency Guidance on Nontraditional Mortgages'' in the e-mail subject line.

• Fax: (703) 518–6319. Use the subject line described above for e-mail.

• Mail: Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

• Hand Delivery/Courier: Same as mail address.

FOR FURTHER INFORMATION CONTACT:

OCC: Gregory Nagel, National Bank Examiner/Credit Risk Specialist, Credit Risk Policy, (202) 874–5170; or Michael S. Bylsma, Director, or Stephen Van Meter, Assistant Director, Community and Consumer Law Division, (202) 874–5750.

Board: Brian Valenti, Supervisory Financial Analyst, (202) 452–3575; or Virginia Gibbs, Senior Supervisory Financial Analyst, (202) 452–2521; or Sabeth I. Siddique, Assistant Director, (202) 452–3861, Division of Banking Supervision and Regulation; or Minh-Duc T. Le, Senior Attorney, Division of Consumer and Community Affairs, (202) 452–3667; or Andrew Miller, Counsel, Legal Division, (202) 452–3428. For users of Telecommunications Device for the Deaf (''TDD'') only, contact (202) 263–4869.

FDIC: James Leitner, Senior Examination Specialist, (202) 898–6790, or April Breslaw, Acting Associate Director, (202) 898–6609, Division of Supervision and Consumer Protection; or Ruth R. Amberg, Senior Counsel, (202) 898–3736, or Richard Foley, Counsel, (202) 898–3784, Legal Division.

OTS: William Magrini, Senior Project Manager, (202) 906–5744; or Maurice McClung, Program Manager, Market Conduct, Operation Risk, (202) 906–6182; and Richard Bennett, Counsel, Banking and Finance, (202) 906–7409.

NCUA: Cory Phariss, Program Officer, Examination and Insurance, (703) 518–6618.

SUPPLEMENTARY INFORMATION: On December 29, 2005, the Agencies published for comment the proposed Guidance, which relates to mortgage loan products that allow borrowers to defer payment of principal and, sometimes, interest, including ''interest-only'' mortgages and ''payment option'' adjustable rate mortgages. 70 FR 77249. The proposal stated that any comments on the proposal must be submitted on or before February 27, 2006.

In response to the solicitation of comments, the Agencies have received a number of comments, including requests from several financial institutions and trade associations that represent financial institutions to extend the comment period. In light of the wide public interest in the proposal and the Agencies' desire to provide the public with sufficient time to consider the proposal and formulate any comments, the Agencies have decided to extend the comment period on the proposal by 30 days. The comment period will now run through March 29, 2006.

Dated: February 13, 2006.

John C. Dugan,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, February 14, 2006.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, the 16th day of February, 2006.

By order of the Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated: February 16, 2006.

By the Office of Thrift Supervision.

John M. Reich,

Director.

By the National Credit Union Administration Board on February 9, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. 06–1675 Filed 2–22–06; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P; 6720–01–P; 7535–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202–523–5793 or *tradeanalysis@fmc.gov*).

Agreement No.: 010050–017.

Title: U.S. Flag Discussion Agreement.

Parties: American President Lines, Ltd.; APL Co. PTE Ltd.; A.P. Moller-Maersk A/S; CP Ships USA, LLC; and Farrell Lines, Inc.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment deletes P&O Nedlloyd Limited as a party to the agreement and changes Maersk's trade name.

Agreement No.: 010051–036.

Title: Mediterranean Space Charter Agreement.

Parties: Farrell Lines, Inc.; CP Ships USA LLC; A.P. Moller-Maersk A/S; Mediterranean Shipping Company, S.A.; P&O Nedlloyd Limited; P&O Nedlloyd B.V.; Hapag-Lloyd Container Linie GmbH; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment deletes the P&O Nedlloyd companies as parties to the agreement and changes Maersk's trade name.

Agreement No.: 011268–020.

Title: New Zealand/United States Discussion Agreement.

Parties: New Zealand/United States Container Lines Association; Hamburg-Süd; Australia-New Zealand Direct Line; FESCO Ocean Management Ltd.; A.P. Moller-Maersk A/S; and CP Ships USA, LLC.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment deletes P&O Nedlloyd Limited as a party to the agreement and changes Maersk's trade name.

Agreement No.: 011275–019.

Title: Australia/United States Discussion Agreement.

Parties: A.P. Moller-Maersk A/S; Australia-New Zealand Direct Line; FESCO Ocean Management Inc.; Hamburg-Süd; NYKLauritzenCool AB; CP Ships USA, LLC; Safmarine Container Lines NV; and Seatrade Group N.V.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes Maersk's trade name and deletes P&O Nedlloyd Limited as a party to the agreement.

Agreement No.: 011279–024.

Title: Latin America Agreement.

Parties: Central America Discussion Agreement; Hispaniola Discussion Agreement; Caribbean Shipowners Association; Venezuelan Discussion Agreement; ABC Discussion Agreement; West Coast of South America Discussion Agreement; Inland Shipping Services Association; Montemar Maritima S.A.; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment updates the membership of various agreement parties.

Agreement No.: 011290–036.

Title: International Vessel Operators Hazardous Material Association Agreement.

Parties: Aliança Navegacao e Logistica Ltda.; APL Co. PTE Ltd.; Atlantic Container Line AB; Australia-New Zealand Direct Line; Bermuda Container Line; Canada Maritime Agencies Ltd.; China Shipping Container Lines Co., Ltd.; CMA CGM, S.A.; Compania Latino Americana de Navegacion SA; Contship Containerlines; COSCO Container Lines, Inc.; CP Ships USA LLC; Crowley Maritime Corporation; Evergreen Marine Corp. (Taiwan) Ltd.; Hamburg-Südamerikanische Dampfschifffahrts-Gesellschaft KG; Hanjin Shipping Co., Ltd.; Hapag-Lloyd Container Linie GmbH; Horizon Lines, LLC; Hyundai Merchant Marine Co., Ltd.; Independent Container Line Ltd.; Kawasaki Kisen Kaisha Ltd.; Marine Transport Lines, Inc.; Maruba SCA; Mitsui O.S.K. Lines, Ltd.; A.P. Moller-Maersk A/S; National Shipping Co. of Saudi Arabia; Nippon Yusen Kaisha Line; Orient Overseas Container Line Limited; P&O Nedlloyd B.V.; P&O Nedlloyd Limited; Safmarine Container Lines; Seaboard Marine Ltd.; Senator Lines GmbH; Tropical Shipping & Construction Co., Ltd.; United Arab Shipping Co. S.A.G.; Yang Ming Marine Transport Corp.; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment adds Matson Navigation Company as a party to the agreement, deletes the P&O Nedlloyd companies as parties to the agreement, and changes Maersk's trade name.

Agreement No.: 011346–016.

Title: Israel Trade Conference Agreement.

Parties: A.P. Moller-Maersk A/S; Farrell Lines, Inc.; P&O Nedlloyd Limited; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment reflects P&O Nedlloyd's resignation effective April 11, 2006, and changes Maersk's trade name.

Agreement No.: 011375–066.

Title: Trans-Atlantic Conference Agreement.

Parties: Atlantic Container Line AB; A.P. Moller-Maersk A/S; Mediterranean Shipping Company, S.A.; Nippon Yusen Kaisha; and Orient Overseas Container Line Limited.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment deletes P&O Nedlloyd Limited as a party to the agreement effective February 17, 2006, and changes Maersk's trade name.

Agreement No.: 011405–018.

Title: Ocean Carrier Working Group Agreement.

Parties: Latin America Agreement; Israel Trade Conference; Trans-Atlantic Conference Agreement; Transpacific Stabilization Agreement; Middle East Indian Subcontinent Discussion Agreement; United States Australasia Discussion Agreement; United States/South Europe Conference; Westbound Transpacific Stabilization Agreement; A.P. Moller-Maersk A/S; Contship Containerlines; Evergreen Marine Corporation (Taiwan) Ltd.; King Ocean Service de Venezuela, S.A.; Star Shipping A/S; Tropical Shipping &

Construction Company, Limited; Wallenius Wilhelmsen Logistics AS; Zim Integrated Shipping Services, Ltd.; and Hapag-Lloyd Container Linie GmbH.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment updates the membership of various agreement parties and the names of various carrier parties.

Agreement No.: 011547–020.

Title: Eastern Mediterranean Discussion Agreement.

Parties: Farrell Lines, Inc.; COSCO Container Lines Co. Ltd.; China Shipping Container Lines Co., Ltd.; A.P. Moller-Maersk A/S; Mediterranean Shipping Company, S.A.; Turkon Container Transportation & Shipping, Inc.; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment removes P&O Nedlloyd Limited as a party effective March 12, 2006.

Agreement No.: 011654–014.

Title: Middle East Indian Subcontinent Discussion Agreement.

Parties: American President Lines; A.P. Moller-Maersk A/S; China Shipping Navigation Co., Ltd. d/b/a Indotrans; CMA CGM S.A.; Contship Containerlines, a division of CP Ships (UK) Ltd.; MacAndrews & Company Limited; P&O Nedlloyd Limited; The National Shipping Company of Saudi Arabia; and United Arab Shipping Company (S.A.G.).

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment deletes American President Lines and P&O Nedlloyd Limited as parties to the agreement and changes Maersk's trade name.

Agreement No.: 011904–001.

Title: Atlantic Brazil Express Agreement.

Parties: CMA CGM, S.A.; P&O Nedlloyd Limited; and P&O Nedlloyd B.V.

Filing Party: Neal M. Mayer, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Avenue, NW.; 10th Floor; Washington, DC 20036.

Synopsis: The amendment deletes the P&O Nedlloyd companies as parties to the agreement and adds A.P. Moller-Maersk A/S, trading as Maersk Line, as a party.

Agreement No.: 011907–002.

Title: ABX/APL Space Charter Agreement.

Parties: CMA CGM S.A.; APL Co. Pte Ltd.; P&O Nedlloyd Limited; and P&O Nedlloyd B.V.

Filing Party: Neal M. Mayer, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Avenue, NW.; 10th Floor; Washington, DC 20036.

Synopsis: The amendment deletes the P&O Nedlloyd companies as parties to the agreement and adds A.P. Moller-Maersk A/S, trading as Maersk Line, as a party.

Agreement No.: 011917–001.

Title: Maersk Line/MOL Space Charter Agreement.

Parties: A.P. Moller Maersk A.S. and Mitsui O.S.K. Lines, Ltd.

Filing Party: Neal M. Mayer, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Avenue, NW.; Washington, DC 20036.

Synopsis: The amendment removes P&O Nedlloyd B.V. and P&O Nedlloyd Limited as parties, adds A.P. Moller Maersk A/S as a party, and renames the agreement as the Maersk Line/MOL Space Charter Agreement.

Agreement No.: 011941.

Title: CMA CGM/LT/GSL Amerigo Express 2 MUS Cross Space Charter, Sailing and Cooperative Working Agreement.

Parties: CMA CGM, S.A.; Lloyd Triestino di Navigazione S.p.A.; and Gold Star Line Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The agreement authorizes the parties to share vessel space in the trade between the U.S. Atlantic Coast and Italy, France, Spain, Portugal, Malta, and Turkey.

Agreement No.: 011942.

Title: CMA–CGM/CSCL Cross Space Charter, Sailing and Cooperative Working Agreement—Far East/US Gulf Loop, PEX2/AAE2 Service.

Parties: CMA–CGM, S.A.; China Shipping Container Lines Co., Ltd.; and China Shipping Container Lines (Hong Kong) Co., Ltd.

Filing Party: Brett M. Esber, Esq.; Blank Rome LLP; Watergate; 600 New Hampshire Ave., NW.; Washington, DC 20037.

Synopsis: The agreement authorizes the parties to share vessel space in a weekly liner service between ports on the U.S. Atlantic and Gulf Coasts and ports in Asia (China, Hong Kong, Taiwan, and Korea), the Caribbean (Jamaica, Mexico), and Central America (Panama) and engage in related cooperative activities.

Agreement No.: 011943.

Title: CMA–CGM/CSCL Cross Space Charter, Sailing and Cooperative Working Agreement—Far East/Pacific North West Loop, ANW/Seattle Bridge Service.

Parties: CMA–CGM, S.A.; and China Shipping Container Lines Co., Ltd.; and China Shipping Container Lines (Hong Kong) Co., Ltd.

Filing Party: Brett M. Esber, Esq.; Blank Rome LLP; Watergate; 600 New Hampshire Ave., NW.; Washington, DC 20037.

Synopsis: The agreement authorizes the parties to share vessel space in a weekly liner service between ports on the U.S. Pacific Coast and ports in Asia (China, Hong Kong, Taiwan, and Korea) and engage in related cooperative activities.

Dated: February 17, 2006.

By order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E6–2594 Filed 2–22–06; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

License Number: 015702N.

Name: Anndex Consolidators, Inc.

Address: 255 NE 59th Street, Miami, FL 33137.

Date Revoked: January 12, 2006.

Reason: Surrendered license voluntarily.

License Number: 003386F.

Name: Del-Mar International, Inc.

Address: 10333 Northwest Freeway, #214, Houston, TX 77092.

Date Revoked: January 27, 2006.

Reason: Surrendered license voluntarily.

License Number: 015795N.

Name: Eurocargo Express, LLC dba Eurocargo Express.

Address: 5250 West Century Blvd., Suite 620, Los Angeles, CA 90045.

Date Revoked: January 7, 2006.

Reason: Failed to maintain a valid bond.

License Number: 016328N.

Name: Northeast Consolidators, Inc.

Address: 58 Batterymarch Street, Boston, MA 02110.

Date Revoked: December 27, 2005.
Reason: Surrendered license voluntarily.

License Number: 000791F.
Name: Sig M. Glukstad dba Miami International Forwarders dba MIF.
Address: 1801 NW 82nd Avenue, Miami, FL 33126.
Date Revoked: January 5, 2006.
Reason: Failed to maintain a valid bond.

License Number: 003334NF.
Name: Vantage International Forwarding Ltd.
Address: 11222 La Cienega Blvd., Suite 535, Inglewood, CA 90304.
Date Revoked: January 31, 2006.
Reason: Surrendered license voluntarily.

License Number: 003476F.
Name: Victory Van Lines, Inc.
Address: 357 Targee Street, Staten Island, NY 10304.
Date Revoked: December 31, 2005.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,
Director, Bureau of Certification and Licensing.
[FR Doc. E6–2587 Filed 2–22–06; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel—Operating Common Carrier Ocean Transportation Intermediary Applicants

Harborside Logistics, 94 Commercial Street, Suite 201, Portland, ME 04101–4738. Officer: Christopher Robinson, President. (Qualifying Individual)

Baycor International, LLC, 3154 McKaughan Road, Bay #6, Houston, TX 77032. Officers: Jorge A. Aponte, President. (Qualifying Individual) Leonel Barreto, Manager.

Fastland Shipping, Inc., 1990 Westweed Blvd., Suite #240, Los Angeles, CA 90025. Officers: Adel Y. Abdelmooti, President. (Qualifying Individual) Sami A. Mekhemar, Vice President.

Fremart International Inc., 17700 Castleton Street, Suite 338, City of Industry, CA 91748. Officer: Jin Zhao, President. (Qualifying Individual)

Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicant

MTGLOBAL, INC., 16901 Keegan Avenue, Carson, CA 90746. Officer: Cynthia K. Narksuriya, CEO. (Qualifying Individual) Kerem Yogurtcugil, Vice President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Scanwell Logistics (CHI), 2455 Arthur Avenue, Elk Grove Village, IL 60007. Officers: Dennis Choy, President. (Qualifying Individual) Adam Hassam, Chairman.

Legero International Houston, Inc., 2502 Farrell Road, Houston, TX 77073. Officer: Elwin Cornelisse, Managing Director. (Qualifying Individual)

Scanwell Logistics (CMH) Inc., 7200 Alum Creek Drive, Suite I, Columbus, OH 43217. Officers: Dennis Choy, President. (Qualifying Individual) Adam Hassam, Chairman.

BPD International Inc., 13152 Rivergate Trail West, Jacksonville, FL 32223. Officer: Bahtiyar Yurdakul, President. (Qualifying Individual)

Dated: February 17, 2006.
Bryant L. VanBrakle,
Secretary.
[FR Doc. E6–2585 Filed 2–22–06; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 9, 2006.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Trenton W. Brown, Ponca City, Oklahoma; Lisa D. Kessler, Scottsdale, Arizona; Mark R. Brown, Scottsdale, Arizona; Mary J. Brown, Arkansas City, Kansas; R. A. Brown, Arkansas City, Kansas; Roger A. Brown, Arkansas City, Kansas; Suzanne W. Brown, Arkansas City, Kansas; Charlotte B. Delaney, Winnetka, Illinois; and Rebecca R. Warren, Ponca City, Oklahoma, to acquire voting shares of HNB Corporation, Arkansas City, Kansas, and thereby indirectly acquire voting shares of Home National Bank, Blackwell, Oklahoma.

Board of Governors of the Federal Reserve System, February 17, 2006.
Robert deV. Frierson,
Deputy Secretary of the Board.
[FR Doc. E6–2538 Filed 2–22–06; 8:45 am]
BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Nominations of Members to the Advisory Committee on Blood Safety and Availability

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Advisory Committee on Blood Safety and Availability is governed by the provision of Public Law 92–463, as amended (5 U.S.C. Appendix 2) which sets forth standards for the formation and use of advisory committees.

SUMMARY: The Office of Public Health and Science (OPHS) is seeking nomination of qualified individuals to be considered for appointment as members on the Advisory Committee on Blood Safety and Availability (ACBSA). ACBSA is a Federal advisory committee in the Department of Health and Human Services. Management support for the activities of the Committee are the responsibility of OPHS.

The qualified individuals will be nominated to the Secretary of Health and Human services for consideration of appointment as members of the ACBSA. Members of the Committee, including the Chair, are appointed by the

Secretary. Members are invited to serve on the Committee for overlapping three-year terms.

DATES: All nominations must be received no later than 4 p.m. e.d.t. April 3, 2006, at the address listed below.

ADDRESSES: All nominations shall be mailed or delivered to Jerry Holmberg, PhD, Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootton Parkway, Suite 250, Rockville, MD 20852. Phone (240) 453–8803.

FOR FURTHER INFORMATION CONTACT: Jerry Holmberg, PhD, Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootton Parkway, Suite 250, Rockville, MD 20852. Phone (240) 453–8803.

A copy of the Committee charter and roster of the current membership can be obtained by contacting Dr. Holmberg or by accessing the ACBSA Web site at *http//www.hhs.gov/bloodsafety.*

SUPPLEMENTARY INFORMATION: The ACBSA provides advice and assistance, consults with, and makes recommendations to the Secretary and the Assistant Secretary for Health on a broad range of policy issues regarding the collection, preparation, and distribution of blood and blood products. The broad range of issues the Committee provides policy advice on includes (1) Definition of public health parameters around safety and availability of the blood supply, (2) broad public health, ethical, and legal issues related to blood safety, and (3) the implications for blood safety and availability of various economic factors affecting product cost and supply.

The ACBSA consists of 18 voting members. The Committee is composed of 12 public members, including the Chair, and six (6) representative members. The public members are selected from State and local organizations, advocacy groups, provider organizations, academic researchers, ethicists, private physicians, scientists, consumer advocates, legal organizations, and from among communities of persons who are frequent recipients of blood or blood products. The six individuals who are appointed as official representative members are selected to serve the interests of the blood and blood products industry or professional organizations. The representative members are selected from the following groups: The American Association of Blood Banks, one of two major distributors of blood on a rotating basis, a trade organization or manufacturer of blood test kits or equipment, a company that produces leukoreduction processes, a major hospital organization that purchases blood and blood products, and a plasma protein therapeutic association.

All ACBSA members are authorized to receive the prescribed per diem allowance and reimbursement for travel expenses that are incurred to attend meetings and conduct Committee-related business, in accordance with Standard Government Travel Regulations. Individuals who are appointed to serve as public members are authorized also to receive a stipend for attending Committee meetings and to carry out other Committee-related business. Individuals who are appointed to serve as representative members for a particular interest group or industry are not authorized to receive a stipend for the performance of these duties.

This announcement is to solicit nominations of qualified candidates to fill positions on the ACBSA that are scheduled to be vacated in the public member category. The positions are scheduled to be vacated on September 30, 2006.

Nominations

In accordance with the charter, persons nominated for appointment as members of the ACBSA should be among authorities knowledgeable in blood banking, transfusion medicine, plasma therapies, bioethics and/or related disciplines. Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration of appointment: (a) The name, return address, daytime telephone number and affiliation(s) of the individual being nominated, the basis for the individual's nomination, the category for which the individual is being nominated, and a statement bearing an original signature of the nominated individual that, if appointed, he or she is willing to serve as a member of the Committee; (b) the name, return address, and daytime telephone number at which the nominator may be contacted. Organizational nominations must identify a principal contact person in addition to the contact; and (c) a copy of a current curriculum vitae or resume for the nominated individual.

Individuals can nominate themselves for consideration of appointment to the Committee. All nominations must include the required information. Incomplete nominations will not be processed for consideration. The letter from the nominator and certification of the nominated individual must bear original signatures; reproduced copies of these signatures are not acceptable.

The Department of Health and Human Services is committed to ensuring that women, minority groups, and physically challenged individuals are adequately represented on the Committee. Nominations of qualified candidates from these categories are encouraged. The Department also seeks to have geographic diversity reflected in the composition of the Committee.

The Standards of Ethical Conduct for Employees of the Executive Branch are applicable to individuals who are appointed as public members of Federal advisory committees. Individuals appointed to serve as public members of Federal advisory committees are classified as special Government employees (SGEs). SGEs are Government employees for purposes of the conflict of interest laws. Therefore, individuals appointed to serve as public members of the ACBSA are subject to an ethics review. The ethics review is conducted to determine if the individual has any interest and/or activities in the private sector that may conflict with performance of their official duties as a member of the Committee. Individuals appointed to serve as public members of the Committee will be required to disclose information regarding financial holdings, consultancies, and research grants and/or contracts.

Dated: February 14, 2006.

Jerry A. Holmberg,

Executive Secretary, Advisory Committee on Blood Safety and Availability.

[FR Doc. E6–2561 Filed 2–22–06; 8:45 am]

BILLING CODE 4150–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretary's Advisory Committee on Human Research Protections

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, (U.S.C. Appendix 2), notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP), will hold its tenth meeting. The meeting will be open to the public.

DATES: The meeting will be held on Monday, March 13, 2006 from 8:30 a.m. until 5 p.m. and Tuesday, March 14, 2006 from 8:30 a.m. until 4:30 p.m.

ADDRESSES: The Radisson Hotel Old Town Alexandria, 901 North Fairfax Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Bernard Schwetz, D.V.M., PhD, Director, Office for Human Research Protections, or Catherine Slatinshek, Executive Director, Secretary's Advisory Committee on Human Research Protections; Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; (240) 453–6900; fax: (240) 453–6909; e-mail address: *sachrp@osophs.dhhs.gov*.

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services and the Assistant Secretary for Health on issues and topics pertaining to or associated with the protection of human research subjects.

On March 13, 2006, SACHRP will receive and discuss preliminary reports from its Subpart A Subcommittee, which is evaluating the provisions of the HHS regulations for the protection of human subjects at Subpart A of 45 CFR part 46 and related OHRP guidance. On March 14, 2006, the Subcommittee on Research Involving Children will present another in a series of reports to the members of the Committee. The subcommittees were established by SACHRP at its October 4–5, 2004 meeting and at its inaugural meeting on July 22, 2003, respectively.

On March 14, 2006, the Committee will host presentations and invite discussions from panelists concerning issues on research ethics training at international sites. Topics discussed will include developing and carrying out educational programs in research ethics in developing countries; federal interactions with industry in studies overseas; how the FDA monitors compliance with regulations and ethical guidelines, and other issues.

Public attendance at the meeting is limited to space available. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact persons. Members of the public will have the opportunity to provide comments on both days of the meeting. Public comment will be limited to five minutes per speaker. Any members of the public who wish to have printed materials distributed to SACHRP members for this scheduled meeting should submit materials to the Executive Director, SACHRP, prior to the close of business Wednesday, March 8, 2006. Information about SACHRP and the draft meeting agenda will be posted on the SACHRP Web site at: *http://ohrp.osophs.dhhs.gov/sachrp/sachrp.htm*.

Dated: February 16, 2006.

Bernard A. Schwetz,

Director, Office for Human Research Protections, Executive Secretary, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. E6–2560 Filed 2–22–06; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–218]

Availability of Final Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of one new and seven updated final toxicological profiles of priority hazardous substances comprising the seventeenth set prepared by ATSDR.

FOR FURTHER INFORMATION CONTACT: Ms. Olga Dawkins, Division of Toxicology and Environmental Medicine, Agency for Toxic Substances and Disease Registry, Mailstop F–32, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (770) 488–3315. Electronic access to these documents is also available at the ATSDR website: *http://www.atsdr.cdc.gov/toxpro2.html.*

SUPPLEMENTARY INFORMATION: The Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9601 *et seq.*) amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) (42 U.S.C. 9601 *et seq.*) by establishing certain requirements for ATSDR and the U.S. Environmental Protection Agency (EPA) with regard to hazardous substances that are most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority lists of hazardous substances. These lists identified 275 hazardous substances that ATSDR and EPA determined pose the most significant potential threat to human health. The availability of the revised list of the 275 priority substances was announced in the **Federal Register** on December 7, 2005 (70 FR 234). For prior versions of the list of substances, see **Federal Register** notices dated April 17, 1987 (52 FR 12866); October 20, 1988 (53 FR 41280); October 26, 1989 (54 FR 43619); October 17, 1990 (55 FR 42067); October 17, 1991 (56 FR 52166); October 28, 1992 (57 FR 48801); February 28, 1994 (59 FR 9486); April 29, 1996 (61 FR 18744); November 17, 1997 (62 FR 61332); October 21, 1999 (64 FR 56792); October 25, 2001 (66 FR 54014) and November 7, 2003 (68 FR 63098).

Notice of the availability of drafts of these seven updated and one new toxicological profiles for public review and comment was published in the **Federal Register** on October 23, 2003, (68 FR 60696), with notice of a 90-day public comment period for each profile, starting from the actual release date. Following the close of the comment period, chemical-specific comments were addressed, and, where appropriate, changes were incorporated into each profile. The public comments and other data submitted in response to the **Federal Register** notices bear the docket control number ATSDR–197. This material is available for public inspection at the Division of Toxicology, Agency for Toxic Substances and Disease Registry, 1825 Century Boulevard, Atlanta, Georgia, (not a mailing address) between 8:00 a.m. and 4:30 p.m., Monday through Friday, except legal holidays.

Availability

This notice announces the availability of one new and seven updated final toxicological profiles of priority hazardous substances comprising the seventeenth set prepared by ATSDR. The following toxicological profiles are now available through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, telephone 1–800–553–6847. There is a charge for these profiles as determined by NTIS.

Seventeenth Set:

Toxicological profile	NTIS order No.	CAS No.
1. Bromoform/	PB2006–100001	000075–25–2
Dibromochloromethane		000124–48–1
2. Carbon Tetrachloride	PB2006–100002	000056–23–5
3. Hexachlorocyclohexane (gamma)	PB2006–100003	000058–89–9
Hexachlorocyclohexane (beta)		000319–85–7
Hexachlorocyclohexane (delta)		000319–86–8
Hexachlorocyclohexane (alpha)		000319–84–6
Hexachlorocyclohexane (technical)		000608–73–1
4. Naphthalene	PB2006–100004	000091–20–3
1-Methyl Naphthalene		000090–12–0
2-Methyl Naphthalene		000091–57–6
5. Nickel	PB2006–100005	007440–02–0
6. Tin	PB2006–100006	007440–31–5
7. Tungsten *	PB2006–100007	007440–33–7
8. Zinc	PB2006–100008	007440–66–6

Note.—* Denotes new profile.

Kevin A. Ryan,

Acting Director, Office of Policy, Planning and Evaluation, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

[FR Doc. E6–2577 Filed 2–22–06; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities; Extension of Existing Collection; Comment Request; Title VI Program Performance Report

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) 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 each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to the Title VI Program Performance Report.

DATES: Submit written or electronic comments on the collection of information by April 24, 2006.

ADDRESSES: Submit electronic comments on the collection of information to: *Yvonne.Jackson@aoa.gov*.

Submit written comments on the collection of information to: Dr. Yvonne Jackson, Administration on Aging, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Dr. Yvonne Jackson, Director; Office of American Indian, Alaskan Native and Native Hawaiian Programs, U.S. Department of Health and Human Services, Administration on Aging, Washington, DC 20201; (202) 357–3501.

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 request 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 each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, AoA is publishing notice of the proposed collection of information set forth in this document. With respect to the following collection of information, AoA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of AoA's functions, including whether the information will have practical utility; (2) the accuracy of AoA'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.

The Program performance Report provides a data base for AoA to (1) monitor program achievement of performance objectives; (2) establish program policy and direction, and (3) prepare responses to Congress, the Office of Management and Budget, the General Accounting Office, other Federal departments, and public and private agencies as required by the OAA Title II sections 202(a)19 and 208; and prepare data for the Federal Interagency Task Force of Older Indians established pursuant to section 134(d) of the 1987 Amendments to the OAA.

AoA estimates the burden of this collection of information as follows: A total of not more than 729 hours per year will be required to prepare reports.

Dated: February 17, 2006.

Francis A. Burns,

Deputy Assistant Secretary for Wellness and Community Based Services.

[FR Doc. E6–2537 Filed 2–22–06; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–06–06AR]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-

mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Home Medkit Evaluation Study (HoME Study)—New—Coordinating Office for Terrorism Preparedness and Emergency Response (COTPER), Centers for Disease Control and Prevention (CDC).

The Coordinating Office for Terrorism Preparedness and Emergency Response (COTPER), Centers for Disease Control and Prevention (CDC) proposes to conduct a one-time-only study called the Home Medkit Evaluation Study (HoME Study). This pilot study will be conducted with selected St. Louis, Missouri area households who volunteer. Volunteers would receive in their homes FDA-approved medicines that are to be reserved for emergency use in the event of specific public health emergency conditions resulting from a bioterrorist threat.

The proposed study will provide data on the extent to which people with diverse backgrounds are able to follow instructions concerning appropriate storage and to reserve the medicine for emergency use only.

Approximately, 5,000 volunteer households will be recruited in the St. Louis, Missouri metropolitan area, and divided among three cohorts: (a) Public health emergency responders and their household members, (b) employees of a large corporate operation and their household members, and (c) clients of publicly-funded primary healthcare centers, their households, and surrounding community households.

All will be medically screened for eligibility to receive a home MedKit and, if eligible, they will be recruited and enrolled for study participation with informed consent. After an initial in-person baseline interview, they will receive a MedKit bag with an antibiotic enclosed. The MedKit bag will consist of a transparent mylar, tamper-evident sealed bag with FDA-approved patient instructions affixed to the outside and individual MedKits—cardboard notebook blister packs with doses for each household member and patient instructions, including FDA-approved crushing instructions for administration of emergency pediatric doses.

The information collected from this study will be used to: (1) Assess the ability of volunteers from select populations to store and maintain household MedKits as directed and to refrain from inappropriate use; (2) explore attitudes, perceptions, and other social and psychological factors that influence participant behavior in relation to the MedKit; and (3) inform policy makers and national planners about the acceptability, safety, durability, and usefulness of the household MedKit strategy and supporting documentation.

There are no previous or existing studies to provide the specific information to answer the research questions proposed in the HoME Study. There are no costs to the respondents other than their time. The total annualized burden hours are 7,253.

ESTIMATED ANNUALIZED BURDEN HOURS

Form type/respondent category	Number of Respondents	Frequency of response	Hours per response
BEHAVIORAL STUDY:			
Recruiting HH Contacts	20,000	1	2/60
Prescreening & HH Roster	4,914	1	5/60
Medical Screening:			
PH 1st responder HHs	3,800	1	15/60
Large business partner HHs	3,800	1	15/60
CHC client HHs	3,800	1	15/60
Baseline Questionnaire:			
PH 1st responder HHs	1,227	1	20/60
Large business partner HHs	1,282	1	20/60
PHC client HHs	1,430	1	20/60
Follow-Up Questionnaire:			
PH 1st responder HHs	1,227	1	25/60
Large business partner HHs	1,282	1	25/60
PHC client HHs	1,430	1	25/60
NESTED QUALITATIVE STUDIES: Screening & Recruitment calls:			
Study HHs focus groups	180	1	5/60
Non-English speakers focus groups	40		15/60
In-depth Interview	80	1	5/60
Focus Groups:			
PH 1st responders	40	1	2
Large business partner employees	40	1	2
PHC client	40	1	2
Non-English speakers	20	1	2
In-depth Interviews	60	1	1

Notes for Table A.12.1: HH=Household; PHC=Public Health Clinic.

Dated: February 15, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–2583 Filed 2–22–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–06–04JZ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–4794 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Preventive Cardiac Health Care Knowledge, Beliefs, and Behaviors in Female Carriers of Duchenne/Becker Muscular Dystrophy—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Duchenne/Becker Muscular Dystrophy (DBMD) is the most common form of fatal muscular dystrophy in children. It affects about 1 in 3,500 boys. Although almost all cases of DBMD are diagnosed in young males, the genetic condition that causes DBMD is carried by females. Today, there are about 40,000 female DBMD carriers in the United States. Females who carry this genetic condition generally do not have symptoms, but some may experience muscle weakness and fatigue. Sometimes, they may also develop heart problems that are characterized by shortness of breath or an inability to do moderate exercise. The chance that a female carrier will develop heart problems is unknown, but these heart problems are serious and can be life threatening. To learn more about the heart health behaviors of adult female DBMD carriers, National Center on Birth Defects and Developmental Disabilities (NCBDDD), CDC proposes to conduct a national survey.

This one-time survey will be mailed to about 7,000 women who are on mailing lists maintained by DBMD advocacy groups (Group 1) or are known by someone on one of the lists (Group 2). The data will be treated in a confidential manner. Women will be eligible to complete the survey if they are at least 19 years old and have given birth to a son with DBMD or been told that they definitely or probably carry a genetic change for DBMD. To comply with requests from the advocacy community, the questionnaire will be provided to friends, relatives, and acquaintances of women on the above mailing lists who meet all study eligibility criteria and personally initiate contact with the study office about possible participation (Group 2). All study materials, including the questionnaire, will be available in English and Spanish. Respondents will also be able to complete an electronic version of the survey accessed via the World Wide Web. It will take each participant about 5 minutes to read the survey cover letter and about 30 minutes to complete the survey. Group 2 women will also need to complete a 5-minute telephone interview to provide their mailing address to the study office. Prior to receiving the survey, Group 1 women will receive an initial approach letter that will take about 5 minutes to read. We expect that 80% of the women who receive a questionnaire will complete the survey, for a total of 5,600 respondents.

Survey participants will be asked about social and psychological aspects of their genetic carrier status, their sources of social support, their awareness and knowledge of the link between carrier status and heart health, issues about access to specialized cardiac health care, and sources of health information that they find trustworthy, accessible, and understandable. Postage and a return envelope will be provided for participants who choose to complete and return their survey by mail. There are no costs to the respondents other than their time. The total estimated annualized burden hours are 3,968.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of data collection	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)
Initial approach letter (Primary sample only)	6,000	1	5/60
Telephone screen (Secondary sample only)	1,000	1	5/60
Survey cover letter with survey (Primary & Secondary samples)	7,000	1	5/60
Survey sections 1 through 5	5,600	1	30/60

Dated: February 15, 2006.

Joan F. Karr,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E6–2584 Filed 2–22–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration on Developmental Disabilities; Help America Vote Act (HAVA) Training and Technical Assistance (T/TA) To Assist Protection and Advocacy Systems (P&As) To Establish or Improve Voting Access for Individuals With Disabilities

Announcement Type: Initial—Grant.

Funding Opportunity Number: HHS–2006–ACF–ADD–DH–0034.

CFDA Number: 93.618.

Due Date for Letter of Intent: March 27, 2006.

Due Date for Applications: April 24, 2006.

Executive Summary: The Administration on Developmental Disabilities (ADD) in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), announces the availability of Fiscal Year (FY) 2006 funds for the Help America Vote Act (HAVA) Training and Technical Assistance (T/TA) for Protection and Advocacy Systems (P&As).

The purpose of funds awarded under this announcement is to provide T/TA to P&As in their promotion of full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places; developing proficiency in the use of voting systems and technologies as they affect individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least one recipient of these funds must provide T/TA for non-visual access.

I. Funding Opportunity Description

Legislative Authority

The Help America Vote Act (HAVA) of 2002, Public Law (Pub. L.) 107–252, Title II, Subtitle D, part 5, section 291.

Description

The Administration on Developmental Disabilities (ADD) in the Administration for Children and Families (ACF), the U.S. Department of Health and Human Services (HHS), announces the availability of Fiscal Year (FY) 2006 funds authorized under the Help America Vote Act (HAVA) of 2002, Public Law 107–252, Title II, Subtitle D, part 5, section 291 (42 U.S.C. 15461). Provisions under this section provide for the award of grants for Training and Technical Assistance (T/TA) to assist Protection and Advocacy Systems (P&As) in:

* Promoting full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places;
* Developing proficiency in the use of voting systems and technologies as they affect individuals with disabilities;
* Demonstrating and evaluating the use of such systems and technologies by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals; and
* Providing T/TA for non-visual access. (At least one recipient must provide T/TA assistance in this area.)

Background

HAVA, signed into law by President George W. Bush on October 29, 2002, contains three grant programs that will enable a grantee to establish, expand, and improve access to and participation in the election process by individuals with the full range of disabilities (*e.g.*, visual impairments including blindness, hearing impairments including deafness, the full range of mobility impairments including gross motor and fine motor impairments, emotional impairments, and intellectual impairments). These programs are: (1) Voting Access for Individuals with Disabilities (VOTE), which provides funding to the States and territories for activities to establish and/or improve access to voting for individuals with the full range of disabilities; (2) Protection and Advocacy Systems: Help America to Vote, which provides funding to P&As throughout the United States in support of their efforts to ensure full participation in the electoral process for individuals with disabilities; and (3) T/TA for P&As so they can assist individuals with the full range of disabilities in the voting process from registration to actual voting.

Background on ADD and ADD Programs

ADD is located within ACF, HHS. ADD shares goals with other ACF programs that promote the economic and social well-being of families, children, individuals, and communities.

ADD is the lead agency responsible for planning and administering programs to promote the self-sufficiency and protect the rights of persons with developmental disabilities. ADD administers the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (the DD Act). The DD Act provides for funding to States to provide advocacy, promote consumer oriented systems change and capacity building activities, and facilitate network collaboration. The four programs funded under the DD Act are:

(1) State Councils on Developmental Disabilities that engage in advocacy, capacity building, and systemic change activities;

(2) Protection and Advocacy Systems (P&As) that protect the legal and human rights of individuals with developmental disabilities;

(3) The National Network of University Centers for Excellence in Developmental Disabilities, (UCEDD) that engages in training, community outreach, research, and dissemination activities; and

(4) Projects of National Significance (PNS), that award grants and contracts that promote and increase the independence, productivity, inclusion and integration into the community of persons with developmental disabilities. These projects focus on the most pressing issues for people with developmental disabilities across the country. These projects may involve research, technical assistance, projects which improve supportive living and quality of life opportunities, projects to educate policymakers, and efforts to create interagency Federal collaboration.

In addition to responsibilities under the DD Act, ADD has been given the responsibility by the Secretary of HHS for three grant programs authorized under HAVA, Public Law 107–252. This announcement is for HAVA T/TA for P&As so they can assist individuals with disabilities in the voting process from registration to actual voting.

Objectives

The purpose of funds awarded under this announcement is to provide T/TA for P&As to establish or improve voting access for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. The T/TA grantee(s) may use their award to support training in the use of voting systems and technologies, and to demonstrate and evaluate the use of such systems and technologies, by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for such individuals. At least one grantee shall use the award to provide T/TA for nonvisual access.

II. Award Information

Funding Instrument Type: Grant.

Anticipated Total Priority Area Funding: $338,115.

Anticipated Number of Awards: 1 to 4.

Ceiling on Amount of Individual Awards: $338,115 per budget period.

Floor on Amount of Individual Awards: $84,529 per budget period.

Average Projected Award Amount: $84,529 per budget period.

Length of Project Periods: 12-month project and budget period.

Awards under this announcement are subject to the availability of funds.

III. Eligibility Information

1. *Eligible Applicants:*

* Public and State-controlled institutions of higher education.
* Non-profits having a 501(c)(3) status with the IRS, other than institutions of higher education.
* Non-profits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education.
* Private institutions of higher education.

Faith-based and community organizations that meet the statutory eligibility requirements are eligible to apply under this announcement. As stated in the HAVA of 2002, Public Law 107–252, Title II, Subtitle D, part 5, section 291(c)(3), in order for an entity to establish eligibility, the entity must show that it: (A) Is a public or private non-profit entity with demonstrated experience in voting issues for individuals with disabilities; (B) is governed by a board with respect to which the majority of its members are individuals with disabilities or family members of such individuals or individuals who are blind; and (C) submits to the HHS Secretary an application as required under this announcement.

2. *Cost Sharing or Matching:* None.

3. *Other:*

D–U–N–S Requirement

All applicants must have a D&B Data Universal Numbering System (D–U–N–S) number. On June 27, 2003, the Office of Management and Budget (OMB) published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires Federal grant applicants to provide a D–U–N–S number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The D–U–N–S number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal, Grants.gov. A D–U–N–S number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a D–U–N–S number. You may acquire a D–U–N–S number at no cost by calling the dedicated toll-free D–U–N–S number request line at 1–866–705–5711 or you may request a number on-line at *http://www.dnb.com*.

Proof of Non-Profit Status

Non-profit organizations applying for funding are required to submit proof of their non-profit status.

Proof of non-profit status is any one of the following:

* A reference to the applicant organization's listing in the IRS's most recent list of tax-exempt organizations described in the IRS Code.
* A copy of a currently valid IRS tax exemption certificate.
* A statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has non-profit status and that none of the net earnings accrue to any private shareholders or individuals.
* A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.
* Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

When applying electronically we strongly suggest that you attach your proof of non-profit status with your electronic application.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'', ''Survey for Private, Non-Profit Grant Applicants'', titled, ''Survey on Ensuring Equal Opportunity for Applicants'', at: *http://www.acf.hhs.gov/programs/ofs/forms.htm*.

Disqualification Factors

Applications that exceed the ceiling amount will be deemed non-responsive and will not be considered for funding under this announcement.

Any application that fails to satisfy the deadline requirements referenced in *Section IV.3* will be deemed non-responsive and will not be considered for funding under this announcement.

IV. Application and Submission Information

1. Address To Request Application Package

Margaret Schaefer, U.S. Department of Health and Human Services, Administration on Developmental Disabilities, 370 L'Enfant Promenade, SW., Mail Stop HHH 405–D, Washington, DC 20447. Phone: (202) 690–5962. E-mail: *mschaefer@acf.hhs.gov*.

2. Content and Form of Application Submission

Letter of Intent

Applicants are strongly encouraged to notify Margaret Schaefer at 202–690–5962 or by e-mail at *mschaefer@acf.hhs.gov* of their intention to submit an application under this announcement. Please submit the letter of intent by the deadline date listed in *Section IV.3*.

The letter of intent should include the following information: the number and title of this announcement (required); the name and address of your organization; and your contact person's name, phone number, fax number, and email address.

Letter of intent information will be used to determine the number of expert reviewers needed to evaluate applications. Failure to submit a letter of intent will not impact eligibility to submit an application and will not disqualify an application from competitive review.

The Application

Each application package must include the original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders, or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments, or articles of incorporation.

Application Requirements

A complete application consists of the following items in this order:

Application for Federal Assistance (Standard Form (SF) 424);

Budget Information—Non-Construction Programs (SF–424A);

Budget Justification for Section B—Budget Categories;

Proof of designation as a lead agency (See Section III);
Table of Contents;
Proof on Non-Profit Status, if applicable, (See Section III.3);
Copy of the applicant's approved indirect cost rate agreement, if applicable;
Project Summary/Abstract;
Project Narrative;
Any appendices/attachments (e.g., support letters);
Assurances—Non-Construction Programs (SF–424B);
Certification Regarding Lobbying (SF–LLL); and
Certification of the Pro-Children Act of 1994 (Environmental Tobacco Smoke), signature on the application represents certification.

Application Format

Length: Applications, including all forms and attachments, must not exceed 50 pages.

Forms and Certifications

The project description should include all the information requirements described in the specific evaluation criteria outlined in this program announcement under Section V. Application Review Information. In addition to the project description, the applicant needs to complete all of the Standard Forms required as a part of the application process for awards under this announcement.

Applicants seeking financial assistance under this announcement must file the appropriate Standard Forms as described in this section. All applicants must submit SF–424, Application for Federal Assistance. For non-construction programs, applicants must also submit SF–424A, Budget Information and SF–424B, Assurances. For construction programs, applicants must also submit SF–424C, Budget Information and SF–424D, Assurances. The forms may be reproduced for use in submitting applications. Applicants must sign and return the standard forms with their application.

Applicants must furnish prior to award an executed copy of the SF–LLL, Certification Regarding Lobbying, when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form, if applicable, with their application. Applicants must sign and return the certification with their application.

Applicants must also understand that they will be held accountable for the smoking prohibition included within Public Law (Pub. L.) 103–227, Title XII Environmental Tobacco Smoke (also known as the PRO–KIDS Act of 1994). A copy of the Federal Register notice that implements the smoking prohibition is included with this form. By signing and submitting the application, applicants are providing the necessary certification and are not required to return it. Applicants must make the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination. By signing and submitting the application, applicants are providing the necessary certification and are not required to return it. Complete the standard forms and the associated certifications and assurances based on the instructions on the forms. The forms and certifications may be found at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'', ''Survey for Private, Non-Profit Grant Applicants'', titled, ''Survey on Ensuring Equal Opportunity for Applicants'', at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Those organizations required to provide proof of non-profit status, please refer to *Section III.3.*

Please see *Section V.1* for instructions on preparing the full project description.

Please reference *Section IV.3* for details about acknowledgement of received applications.

Electronic Submission

You may submit your application to us in either electronic or paper format.

To submit an application electronically, please use the *http://www.Grants.gov* site.

If you use Grants.gov, you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. ACF will not accept grant applications via email or facsimile transmission.

Important Note: To submit an electronic application, you must complete the organization registration process as well as obtain and register ''electronic signature credentials'' for the Authorized Organization Representative (AOR). It is important to start this process early, well in advance of the application deadline, since this may take more than five business days.

Please note the following if you plan to submit your application electronically via Grants.gov:

* Electronic submission is voluntary, but strongly encouraged.
* You may access the electronic application for this program on *http://www.Grants.gov.*
* When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov. We encourage applicants who submit electronically to submit well before the closing date and time so that if difficulties are encountered an applicant can still send in a hard copy overnight.
* To use Grants.gov, you, as the applicant, must have a D–U–N–S number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration. REMINDER: CCR registration must be updated annually.
* The electronic application is submitted by the AOR. To submit electronically, the AOR must obtain and register electronic signature credentials approved by the organization's E-Business Point of Contact who maintains the organization's CCR registration. Checklists are maintained on *http://www.grants.gov/GetStarted.*
* You may submit all documents electronically, including all information typically included on the SF–424 and all necessary assurances and certifications.
* Your application must comply with any page limitation requirements described in this program announcement.
* After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. ACF will retrieve your application from Grants.gov.
* ACF may request that you provide original signatures on forms at a later date.
* You may access the electronic application for this program on *http://www.Grants.gov.* You may search for the downloadable application package by the Catalog of Federal Domestic Assistance (CFDA) number.
* You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in hard copy.

Hard Copy Submission

Applicants that are submitting their application in paper format should submit one original and two copies of

the complete application. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, have original signatures, and be unbound.

Non-Federal Reviewers

Since ACF will be using non-Federal reviewers in the review process, applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget as well as Social Security Numbers, if otherwise required for individuals. The copies may include summary salary information.

If applicants are submitting their application electronically, ACF will omit the same specific salary rate information from copies made for use during the review and selection process.

3. Submission Dates and Times

Due Date for Letter of Intent: March 27, 2006.

Due Date for Applications: April 24, 2006.

Explanation of Due Dates

The closing time and date for receipt of applications is referenced above. Applications received after 4:30 p.m., eastern time, on the closing date will be classified as late and will not be considered in the current competition.

Applicants are responsible for ensuring that applications are mailed or submitted electronically well in advance of the application due date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., eastern time, at the address referenced in *Section IV.6.,* between Monday and Friday (excluding Federal holidays).

ACF cannot accommodate transmission of applications by facsimile or e-mail.

Late Applications

Applications that do not meet the requirements above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Any application received after 4:30 p.m., eastern time, on the deadline date will not be considered for competition.

Applicants using express/overnight mail services should allow two working days prior to the deadline date for receipt of applications. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Extension of Deadlines

ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur; when there are widespread disruptions of mail service; or in other rare cases. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

Receipt acknowledgement for application packages will not be provided to applicants who submit their package via mail, courier services, or by hand delivery. Applicants will receive an electronic acknowledgement for applications that are submitted via *http://www.Grants.gov.*

CHECKLIST

What to submit	Required content	Required form or format	When to submit
Project Abstract	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
Project Description	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
Budget Narrative/Justification.	See Sections IV.2 and V	Found in Sections IV.2 and V	By application due date.
SF–424	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
SF–LLL Certification Regarding Lobbying.	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Certification Regarding Environmental Tobacco Smoke.	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Assurances	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By date of award.
Letter of Intent	See Section IV.2	Found in Section IV.2	March 27, 2006.
Table of Contents	See Section IV.2	Found in Section IV.2	By application due date.
SF–424A	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Support Letters	See Section V	Found in Section V	By application due date.
SF–424B	See Section IV.2	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.
Proof of Non-Profit Status	See Section III.3	Found in Section III.3	By date of award.
Proof of Designation as Lead Agency (if appropriate).	See Sections III and IV.2	Found in Sections III and IV.2	By application due date.
Copy of Approved Indirect Cost Rate Agreement.	See Section V	Found in Section V	By date of award.

Additional Forms

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'', ''Survey for Private, Non-Profit Grant Applicants'', titled, ''Survey on Ensuring Equal Opportunity for Applicants'', at: *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	See form	See *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

This program is covered under Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of August 1, 2005, the following jurisdictions have elected to participate in the EO process: Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New York, North Dakota, Rhode Island, South Carolina, Texas, Utah, West Virginia, Wisconsin, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands. As these jurisdictions have elected to participate in the Executive Order process, they have established SPOCs. Applicants from participating jurisdictions should contact their SPOC, as soon as possible, to alert them of prospective applications and receive instructions. Applicants must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations, which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade SW., 4th floor, Washington, DC 20447.

Although the remaining jurisdictions have chosen not to participate in the process, entities that meet the eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. Therefore, applicants from these jurisdictions, or for projects administered by Federally recognized Indian Tribes, need take no action in regard to EO 12372.

The official list, including addresses, of the jurisdictions that have elected to participate in EO 12372 can be found on the following URL: *http://www.whitehouse.gov/omb/grants/spoc.html.*

5. Funding Restrictions

Grant awards will not allow reimbursement of pre-award costs.

Construction is not an allowable activity or expenditure under this program.

6. Other Submission Requirements

Please see *Sections IV.2* and *IV.3* for deadline information and other application requirements.

Submit applications to one of the following addresses:

Submission by Mail

Tim Chappelle, U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, 370 L'Enfant Promenade, SW., Washington, DC 20447.

Hand Delivery

Tim Chappelle, U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, 370 L'Enfant Promenade, SW., Washington, DC 20024.

Electronic Submission

Please see *Section IV.2* for guidelines and requirements when submitting applications electronically via *http://www.Grants.gov.*

V. Application Review Information

The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 50 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires April 30, 2007.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Criteria

Part I The Project Description Overview

Purpose

The project description provides the majority of information by which an application is evaluated and ranked in competition with other applications for available assistance. The project description should be concise and complete. It should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing the project description, information that is responsive to each of the requested evaluation criteria must be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application in a manner that is clear and complete.

General Expectations and Instructions

ACF is particularly interested in specific project descriptions that focus on outcomes and convey strategies for achieving intended performance. Project descriptions are evaluated on the basis of substance and measurable outcomes, not length. Extensive exhibits are not required. Cross-referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.

Pages should be numbered and a table of contents should be included for easy reference.

Part II General Instructions for Preparing a Full Project Description

Introduction

Applicants that are required to submit a full project description shall prepare the project description statement in accordance with the following

instructions while being aware of the specified evaluation criteria. The text options give a broad overview of what the project description should include while the evaluation criteria identify the measures that will be used to evaluate applications.

Project Summary/Abstract

Provide a summary of the project description (one page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived.

For example, describe how the activities that your organization undertakes will promote full participation in the electoral process, including registering to vote, casting a vote, and accessing polling places, for individuals with the full range of disabilities.

Approach

Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished.

When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the OMB. This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

Provide a list of organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Evaluation

Provide a narrative addressing how the conduct of the project and the results of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities that address the project's effectiveness.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners, such as: Organizational charts; financial statements; audit reports or statements from Certified Public Accountants/Licensed Public Accountants; Employer Identification Number(s); contact persons and telephone numbers; names of bond carriers; child care licenses and other documentation of professional accreditation; information on compliance with Federal/State/local government standards; documentation of experience in the program area; and, other pertinent information.

If the applicant is a non-profit organization, it should submit proof of its non-profit status in its application. The non-profit agency can accomplish this by providing any one of the following: (a) A reference to the applicant organization's listing in the IRS's most recent list of tax-exempt organizations described in the IRS Code; (b) a copy of a currently valid IRS tax exemption certificate; (c) a statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrues to any private shareholders or individuals; (d) a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; (e) any of the items immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Budget and Budget Justification

Provide a budget with line item detail and detailed calculations for each budget object class identified on the Budget Information Form (SF–424A or SF–424C). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. If matching is a requirement, include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocation of the proposed costs.

General

Use the following guidelines for preparing the budget and budget justification. Both Federal and non-Federal resources (when required) shall be detailed and justified in the budget and budget narrative justification. ''Federal resources'' refers only to the ACF grant funds for which you are applying. ''Non Federal resources'' are all other non-ACF Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: First column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s); and last column, total budget. The budget justification should be in a narrative form.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known at the time of application. For each staff person, provide: the title; time commitment to the project in months; time commitment to the project as a

percentage or full-time equivalent; annual salary; grant salary; wage rates; etc. Do not include the costs of consultants, personnel costs of delegate agencies, or of specific project(s) and/or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization. (This item does not include costs of consultant travel).

Justification: For each trip show: the total number of traveler(s); travel destination; duration of trip; per diem; mileage allowances, if privately owned vehicles will be used; and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost that equals or exceeds the lesser of: (a) The capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation, shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested provide: a description of the equipment; the cost per unit; the number of units; the total cost; and a plan for use on the project; as well as use and/or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy, or section of its policy, that includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information that supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those that belong under other categories such as equipment, supplies, construction, etc. Include third party evaluation contracts, if applicable, and contracts with secondary recipient organizations, including delegate agencies and specific project(s) and/or businesses to be financed by the applicant.

Justification: Demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use 45 CFR part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceeds the simplified acquisition threshold fixed at 41 U.S.C. 403(11), currently set at $100,000.

Recipients might be required to make available to ACF pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to: Insurance; food; medical and dental costs (noncontractual); professional services costs; space and equipment rentals; printing and publication; computer use; training costs, such as tuition and stipends; staff development costs; and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, upon notification that an award will be made, it should immediately develop a tentative indirect cost rate proposal based on its most recently completed fiscal year, in accordance with the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. When an indirect cost rate is requested, those costs included in the indirect cost pool should not be charged as direct costs to the grant. Also, if the applicant is requesting a rate that is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application that contain this information.

Evaluation Criteria

The following evaluation criteria appear in weighted descending order. The corresponding score values indicate the relative importance that ACF places on each evaluation criterion; however, applicants need not develop their applications precisely according to the order presented. Application components may be organized such that a reviewer will be able to follow a seamless and logical flow of information (*i.e.*, from a broad overview of the project to more detailed information about how it will be conducted).

In considering how applicants will carry out the responsibilities addressed under this announcement, competing applications for financial assistance will be reviewed and evaluated against the following criteria:

Approach—35 points

Applicants will be evaluated based on the extent to which they present a plan that (1) clearly reflects an understanding of the characteristics, needs and services currently available to the targeted population; (2) provides appropriate

services that directly address the needs of the targeted population; (3) is evidence-based and grounded in theory and practice; (4) is appropriate and feasible; and (5) can be reliably evaluated.

* Applications will be evaluated based on the extent to which they outline a plan of action pertaining to the scope and detail on how the proposed work will be accomplished for each project and include a definition of the goals and specific measurable objectives for the project. (8 points).

* Applications will be evaluated based on the extent to which they identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. For example, the applicant may provide a description of how the proposed project will be evaluated to determine the extent to which it has achieved its stated goals and objectives; the applicant may also provide a description of methods of evaluation that include the use of performance measures that are clearly related to the intended outcome of the project. (8 points).

* Applications will be evaluated based on the extent to which they describe any unusual features of the project, such as design or technological innovation, reductions in cost or time, or extraordinary social and community involvement. (5 points).

* Applications will be evaluated based on the extent to which they provide for each project, when possible, a quantitative description of the accomplishments to be achieved and, when quantification is not possible, a list of activities, in chronological order, to show the schedule of accomplishments and their target dates. (4 points).

* Applications will be evaluated based on the extent to which they describe the products to be developed during the implementation of the proposed project, such as questionnaires, interview guides, data collection instruments, software, internet applications, reports, article outcomes, evaluation results, and a dissemination plan for conveying the information. (4 points).

* Applications will be evaluated based on the extent to which they cite factors that might accelerate or decelerate the work and provide reasons for taking this approach as opposed to others. (3 points).

* Applications will be evaluated based on the extent to which they list each organization, operator, consultant, or other key individual who will work on the project along with a short description of their contributions. (3 points).

Objectives and Need for Assistance—25 points

Applications will be evaluated based on the extent to which the applicant describes the context of this project, including the geographic location, environment, magnitude and severity of the problem(s) to be solved, and the needs to be addressed.

* Applications will be evaluated based on the extent to which they demonstrate the need for assistance and describe the principal and subordinate objectives for the project. (10 points).

* Applications will be evaluated based on the extent to which they specifically mention any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. (5 points).

* Applications will be evaluated based on the extent to which they provide supporting documentation or other testimonies from concerned interests other than the applicant. (5 points).

* Applications will be evaluated based on the extent to which they provide relevant data based on planning studies. (4 points).

* Applications will be evaluated based on the extent to which they provide relevant maps and other graphic aids. (1 point).

Results Or Benefits Expected—20 points

Applications will be evaluated based on the extent to which they identify the results and benefits to be derived and the anticipated contribution to policy, practice, theory, and research.

* Applications will be evaluated based on the extent to which they clearly describe the project benefits and results as they relate to the objectives of the project. (10 points).

* Applications will be evaluated based on the extent to which they provide information regarding how the project will build on current theory, research, evaluation and best practices to contribute to increased knowledge and understanding of the problems, issues, or effective strategies and practices in T/TA. (10 points).

Organizational Profiles—15 points

Applications will be evaluated based on the extent to which they identify how the applicant organization (or the unit within the organization that will have responsibility for the project) is structured, the types and quantity of services, and the research and management capabilities it possesses. Applications will be evaluated based on the extent to which the applicant demonstrates a capacity to implement the proposed project, including (1) experience with similar projects; (2) experience with the target population; (3) qualifications and experience of the project leadership; (4) commitment to developing and sustaining work among key stakeholders; (5) experience and commitment of any proposed consultants and subcontractors; and (6) appropriateness of the organizational structure, including its management information system, to carry out the project.

* Applications will be evaluated based on the extent to which they identify the background of the project director/principal investigator and key project staff (such as the inclusion of name, address, training, educational background, and other qualifying experience) and the extent to which they demonstrate that the experience of the organization is such that the applicant may effectively and efficiently administer this project, for example, the applicant may provide brief resumes of key project staff. (4 points).

* Applications will be evaluated based on the extent to which they provide a brief background description of how the applicant organization is organized, the types and quantity of services it provides, and the research and management capabilities it possesses. (4 points).

* Applications will be evaluated based on the extent to which they describe the competence of the project team and its demonstrated ability to deliver a final product that is readily comprehensible and usable. (4 points).

* Applications will be evaluated based on the extent to which they demonstrate the direct relationship of the project to the applicant organization such as an organizational chart that illustrates the relationship of the project to the current organization. (3 points).

Budget and Budget Justification—5 points

Applications will be evaluated based on the extent to which the applicant presents a budget with reasonable project costs, appropriately allocated across component areas and sufficient to accomplish the objectives, such as the inclusion of a justification for and documentation of the dollar amount requested.

Applications will be evaluated based upon the extent to which they include a narrative budget justification that describes how the categorical costs are derived and a discussion of the reasonableness and appropriateness of the proposed costs. Line-item

allocations and justifications are required for Federal funds.

* Applications will be evaluated based on the extent to which they discuss and justify the costs of the proposed project as being reasonable and programmatically justified in view of the activities to be conducted and the anticipated results and benefits. (3 points).

* Applications will be evaluated based on the extent to which they describe the fiscal controls and accounting procedures that will be used to ensure prudent use, proper disbursement, and accurate accounting of funds received under this program announcement. (2 points).

Note: Applicants have the option of omitting the Social Security Numbers and specific salary rates of the proposed project personnel from the two copies submitted with the original applications to ACF. For purposes of the outside review process, applicants may elect to summarize salary information on the copies of their application. All necessary salary information must, however, appear on the signed original application for ACF.

2. Review and Selection Process

No grant award will be made under this announcement on the basis of an incomplete application.

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date (See *Section IV.3*) and (2) that the amount requested does not exceed the stated ceiling (See Section II). It is necessary that applicants state specifically for which funding announcement they are applying.

Applications will be evaluated and rated by an independent review panel on the basis of specific evaluation criteria. The results of these reviews will assist the ADD Commissioner and program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications generally will be considered in order of the average scores assigned by reviewers. The evaluation criteria were designed to assess the quality of a proposed project and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications that are responsive to the evaluation criteria within the context of this program announcement. Non-Federal reviewers will be used for the review process.

Please reference Section IV.2 for information on non-Federal reviewers in the review process.

Approved but Unfunded Applications

Applications that are approved but unfunded may be held over for funding in the next funding cycle, pending the availability of funds, for a period not to exceed one year.

VI. Award Administration Information

1. Award Notices

The successful applicants will be notified through the issuance of a Financial Assistance Award document which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided (if applicable), and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and transmitted via postal mail.

Organizations whose applications will not be funded will be notified in writing.

2. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR part 74 (non-governmental) or 45 CFR part 92 (governmental).

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS Web site at *http://www.os.dhhs.gov/fbci/waisgate21.pdf.*

Faith-based and community organizations may reference the ''Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government'' at *http://www.whitehouse.gov/government/fbci/guidance/index.html.*

3. Reporting Requirements

Grantees will be required to submit program progress and financial reports (SF–269 found at *http://www.acf.hhs.gov/programs/ofs/forms.htm*) throughout the project period. Program progress and financial reports are due 30 days after the reporting period. Final programmatic and financial reports are due 90 days after the close of the project period.

Program Progress Reports: Quarterly.

Financial Reports: Quarterly.

VII. Agency Contacts

Program Office Contact

Margaret Schaefer, Administration for Children and Families, Administration on Developmental Disabilities, 370 L'Enfant Promenade, SW., Mail Stop HHH 405–D, Washington, DC 20447. Phone: 202–690–5962. Fax: 202–205–8037. E-mail: *mschaefer@acf.hhs.gov.*

Grants Management Office Contact

Tim Chappelle, Administration for Children and Families, Office of Grants Management, 370 L'Enfant Promenade, SW., Washington, DC 20447. Phone: 202–401–4855. E-mail: *tichappelle@acf.hhs.gov.*

VIII. Other Information

Additional information about this program and its purpose can be located on the following Web sites: *http://www.acf.hhs.gov/programs/add* and *http://www.nass.org.*

Dated: February 13, 2006.

Patricia A. Morrissey,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. E6–2515 Filed 2–22–06; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 25 and 26, 2006, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy., Gaithersburg, MD, 301–977–8900.

Contact Person: Cathy Groupe, Center for Drug Evaluation and Research (HFD–

21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–7001, e-mail: *Cathy.Groupe@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512533. Please call the Information Line for up-to-date information on this meeting.

Agenda: On April 25, 2006, the committee will meet between 8 a.m. to 5 p.m., to discuss new drug application (NDA) 21–359 CELLEGESIC (nitroglycerin [NTG] ointment), 0.4% intra-anal, Cellegy Pharmaceuticals, Inc., for the proposed indication of relief of pain associated with anal fissures. On April 26, 2006, the committee will meet between 8 a.m. to 12 noon, to discuss the agency's draft recommendations for relabeling of antihypertensive drugs for outcome claims, as a followup to the committee's meeting on June 15, 2005, where the committee discussed class labeling of antihypertensive drugs based on the proximity of their data to outcome trials. Following this, from approximately 1 p.m. to 5 p.m., the committee will discuss the ''Placebo in Hypertension Adverse Reaction Meta-Analysis'' Study, a meta-analysis of more than 80,000 patients in placebo-controlled trials of antihypertensive medications, which evaluated the risk of irreversible harm in conducting placebo-controlled trials in patients with hypertension. The background material will become available no later than the day before the meeting and will be posted on FDA's Web site at *http://www.fda.gov/orhms/dockets/ac/acmenu.htm* under the heading ''Cardiovascular and Renal Drugs Advisory Committee.'' (Click on the year 2006 and scroll down to the above named committee).

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 14, 2006. On April 25, 2006, oral presentations from the public will be scheduled between approximately 8:15 a.m. to 8:45 a.m. On April 26, 2006, oral presentations from the public will be scheduled between approximately 8:15 a.m. to 8:45 a.m. and 1 p.m. to 1:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 14, 2006, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact John Lauttman at least 7 days in advance of the meeting at 301–827–7001.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 15, 2006.

Jason Brodsky,

Acting Associate Commissioner for External Relations.

[FR Doc. E6–2542 Filed 2–22–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Peripheral and Central Nervous System Drugs Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

The Food and Drug Administration (FDA) is announcing an amendment to the notice of meeting of the Peripheral and Central Nervous System Drugs Advisory Committee. This meeting was announced in the **Federal Register** of January 27, 2006 (71 FR 4593). The amendment is being made to reflect a change in *Date and Time* and *Procedure* portions of the document. An additional day is being added to this meeting and the length of time allotted for the open public hearing portion is being extended. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Sohail Mosaddegh, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *sohail.mosaddegh@fda.hhs.gov*, or the FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington DC area), code 3014512543. Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 27, 2006, FDA announced that a meeting of the Peripheral and Central Nervous System Drugs Advisory Committee would be held on March 7, 2006, from 8 a.m. to 5 p.m., and the open public hearing portion scheduled between approximately 1 p.m. and 2 p.m. On page 4593, in the third column, the *Date and Time* portion of the document is amended to read as follows:

Date and Time: The meeting will be held on March 7 and 8, 2006, from 8 a.m. to 5 p.m.

On page 4594, in the first column, in the *Procedure* portion of the document, the third sentence is amended to read as follows:

Procedure: Oral presentations from the public will be scheduled between approximately 1 p.m. and 5 p.m. on March 7, 2006.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to the advisory committees.

Dated: February 15, 2006.

Jason Brodsky,

Acting Associate Commissioner for External Relations.

[FR Doc. E6–2541 Filed 2–22–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Proposed Collection; Comment Request; The Sister Study: A Prospective Study of the Genetic and Environmental Risk Factors for Breast Cancer

SUMMARY: 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 National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The Sister Study: A Prospective Study of the Genetic and Environmental Risk Factors for Breast Cancer. *Type of Information Collection Request:* Revision of OMB No. 0925–0522 and expiration date 31 July 2006. *Need and Use of Information Collection:* The purpose of the Sister Study is to study genetic and environmental risk factors for the

development of breast cancer in a cohort of sisters of women who have had breast cancer. In the United States, there were approximately 210,000 new cases in 2003, accounting for 30% of all new cancer cases among women. The etiology of breast cancer is complex, with both genetic and environmental factors likely playing a role. Environmental risk factors, however, have been difficult to identify. By focusing on genetically susceptible subgroups, more precise estimates of the contribution of environmental and other non-genetic factors to disease risk may be possible. Sisters of women with breast cancer are one group at increased risk for breast cancer; we would expect about 2 times as many breast cancers to accrue in a cohort of sisters as would accrue in a cohort identified through random sampling or other means. In addition, a cohort of sisters will be enriched with regard to the prevalence of relevant genes and/or exposures, further enhancing the ability to detect gene-environment interactions. Sisters of women with breast cancer will also be at increased risk for ovarian cancer and possibly for other hormonally-mediated diseases. We are enrolling a cohort of 50,000 women who have not had breast cancer. Initial recruitment of the first 2,000 women took place from August 2003–September 2004 before beginning nationwide recruitment in October 2004. The data collected in the initial phase allowed us to evaluate subject recruitment and data collection procedures, and helped us better target our recruitment efforts. We estimate that a cohort of 50,000 sisters aged 35–74 years would provide about 1,500 breast cancer cases over five years (approximately 300 new cases per year once the cohort is fully enrolled). *Frequency of Response:* At enrollment, one initial 15-minute screening (either on the telephone OR on the internet), 2 one-hour telephone interviews, 3 mailed self-administered questionnaires (90 minutes total), and some biological and household specimens collected. Women are advised that they will be contacted every year to update contact information and health status and asked to complete shorter (45–60 minutes, total) follow-up interviews or questionnaires every two years. Women diagnosed with breast cancer or other health outcomes of interest will be asked to provide additional information about their diagnosis (20 minutes per response) and their doctors will be contacted to provide documentation regarding diagnosis and treatments (15 minutes per response). *Affected Public:* Individuals or households; doctors' offices. *Type of Respondents:* Unaffected sisters of women diagnosed with breast cancer, aged 35–74, from all socioeconomic backgrounds and ethnicities. The annual reporting burden is as follows: *Estimated Number of Respondents:* 67,500 (~12,500 enrolled per year over ~4 years, plus ~14,000 persons ultimately determined ineligibles or refusals at initial screening, and 3,500 persons who partially complete enrollment before terminating). *Estimated Number of Responses per Respondent:* See table below. *Average Burden Hours per Response:* 6.0; and *Estimated Total Burden Hours Requested:* 176,553 (over 3 years). The average annual burden hours requested is 58,851. The annualized cost to respondents is estimated at $135 (assuming $20 hourly wage × 6 hours + $15 babysitting estimate). There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Activity (3-yrs)	Estimated number of respondents	Estimated responses per respondent	Average burden hours per response	Estimated total burden hours requested
Eligibility Screening	22,750	1	0.25	5,688
Enrollment Interviews	22,750	1	2	45,500
Enrollment SAQs	22,750	1	1.5	34,125
Enrollment Specimen Collection *	22,750	1	1	22,750
1st Annual Update	50,000	1	0.17	8,500
1st Bienniel Follow-Up Questionnaire	50,000	1	1	50,000
2nd Annual Update	25,001	1	0.17	4,250
Ineligible **	14,000	1	0.25	3,500
Dropout **	3,500	1	2.25	7,875
Incident BC Case Follow-Up	1,800	1	0.33	594
Incident Other Case Follow-Up	300	1	0.33	99
Incident Case/Physician Contact	2,100	1	0.25	525
Total				183,406

* Includes waiting time, and scheduling appointment for blood draw.
** Expect 17% ineligible at screening plus 7% dropout during enrollment activities.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the project or to obtain a copy of the data collection plans and instruments, contact: Dr. Dale P. Sandler, Chief, Epidemiology Branch, NIEHS, Rall Building A3–05, PO Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541–4668 or E-mail your request, including your address to: *sandler@niehs.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 13, 2006.

Richard Freed,

NIEHS, Associate Director for Management.

[FR Doc. 06–1690 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel; Loan Repayment Program Renewal Applications—HD & ECR—Panel A.

Date: April 3, 2006.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lorrita Watson, PhD, National Center on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892–5465. 301–594–7784. *watsonl@ncmhd.nih.gov.*

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1687 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Reproduction, Andrology, and Gynecology Subcommittee.

Date: March 14–15, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza, 8777 Georgia Avenue, Silver Spring, MD 20910

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6884, *ranhandj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 14, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1681 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Community Child Health Network.

Date: March 14, 2006.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Michele C. Hindi-Alexander, PhD, Division of Scientific Review, National Institutes of Health, National Institute for Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20812–7510, (301) 435–8382, *hindialm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 14, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1682 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Unsolicited PO1 Application on HIV Transmission—ZAI1–EC–A–M2.

Date: March 8, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3129, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Eleazar Cohen, PhD, Scientific Review Administrator, Scientific

Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, Room 3129, 6700B Rockledge Drive, Bethesda, MD 20892, (301) 435–3564, *ec17w@nih.gov.*

(Catalogue of Federal Domestic Assistance Programs Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1686 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Recombinant DNA Advisory Committee RAC.

Date: March 15, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: The Committee will review and discuss selected human gene transfer protocols as well as related data management activities.

Place: National Institutes of Health, Building 31, 31 Center Drive, Floor 6C, Conference Room 10, Bethesda, MD 20892.

Contact Person: Laurie Lewallen, Advisory Committee Coordinator, Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Room 750, Bethesda, MD 20892–7985, 301–496–9838, *lewallla@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www4.od.nih.gov/oba/,* where an agenda and any additional information for the meeting will be posted when available.

OMB's ''Mandatory Information Requirements for Federal Assistance Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1684 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: March 27, 2006.

Time: 9 a.m to 5 p.m.

Agenda: The purpose of the meeting will be for the Committee to provide to the Office of Research on Women's Health (ORWH) advice on appropriate research activities with respect to women's health and related studies to be undertaken by the national research institutes; to provide recommendations regarding ORWH activities; to meet the mandates of the office; and for discussion of scientific issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Joyce Rudick, Director, Programs & Management, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892, (301) 402–1770.

Information is also available on the Institute's/Center's homepage: *http://www.4.od.nih.gov/orwh/,* where an agenda and additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1685 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, February 21, 2006, 4 p.m. to February 21, 2006, 5 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 3, 2006, 71 FR 5869–5872.

The meeting is canceled due to the reassignment of the application.

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1680 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering SEP.
Date: March 10, 2006.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–435–2212, *josephru@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Treatment Adherence in Sleep Apnea Patients
Date: March 14, 2006.
Time: 10 a.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Lee S. Mann, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, 301–435–0677, *mannl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Gene Therapy and Inborn Errors Member Conflict.
Date: March 14, 2006.
Time: 2 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Barbara Whitmarsh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *whitmarshb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Hematology Small Business.
Date: March 16, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Delia Tang, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892. 301–435–2506. *tangd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Psychopathology, Developmental Disabilities, Stress, and Aging.
Date: March 16–17, 2006.
Time: 8:30 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Lynn T. Nielsen-Bohlman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089F, MSC 7848, Bethesda, MD 20892. (301) 594–5287. *nielsenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immunology and Pathogenesis of AIDS.
Date: March 17, 2006.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892. (301) 435–1165. *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Blood Substitute and Adhesion Molecules.
Date: March 17, 2006.
Time: 2:30 p.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892. (301) 435–1195. *sur@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, AIDs Clinical Studies and Epidemiology Study Section.
Date: March 20–21, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sofitel Lafayette Square, 806 15th St., NW., Washington, DC 20005.
Contact Person: Hilary D. Sigmon, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892. (301) 594–6377. *sigmonh@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, AIDs Discovery and Development of Therapeutics Study Section.
Date: March 20–21, 2006.
Time: 8 a.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.
Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7852, Bethesda, MD 20892. (301) 435–1168. *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Risk Preventions Fellowships.
Date: March 20–21, 2006.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Michael Micklin, PhD, Chief, RPHB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892. (301) 435–1258. *micklinm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Ventricular Assist Devices.
Date: March 20, 2006.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Rajiv Kumar, PhD, Scientific Review Administrator, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892. (301) 435–1212. *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Pain.
Date: March 20, 2006.
Time: 2 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892. (301) 435–1242. *driscolb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Somatosensory Pain.
Date: March 21, 2006.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892. (301) 435–2212. *josephru@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuron Migration and Axon Guidance.

Date: March 21, 2006.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Administrator, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Social Science and Population Studies.

Date: March 21, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Valerie Durrant, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 435–3554, *durrantv@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Circadian System.

Date: March 21, 2006.

Time: 2 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gamil C Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018, *debbasg@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: GMPB.

Date: March 21, 2006.

Time: 3 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cell Fate and Synaptic Plasticity.

Date: March 22, 2006.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Administrator, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: GCMB.

Date: March 22, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, (301) 435–1169, *greenwep@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Written and Spoken Word Processing.

Date: March 22, 2006.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Biao Tian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1683 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, February 27, 2006, 10 a.m. to February 27, 2006, 11 a.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 8, 2006, 71 FR 6512–6515.

The meeting is cancelled due to the application being withdrawn.

Dated: February 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1688 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Reproductive Endocrinology.

Date: February 23, 2006.

Time: 9 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *Krishnak@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, CNNT: Overflow.

Date: March 2–3, 2006.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: William C. Benzing, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, (301) 435–1254, *benzingw@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, F03A Biochemical and Molecular Neuroscience.

Date: March 2, 2006.

Time: 5 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Administrator, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunology Small Business Grant Applications.

Date: March 6–7, 2006.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301–435–1222, *nigidas@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Circadian Rhythms and Genes.

Date: March 7, 2006.

Time: 10:15 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence Baizer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, 301–435–1257, *baizerl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IDM–H (02) Sexually Transmitted Disease.

Date: March 7, 2006.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marian Wachtel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3208, MSC 7858, Bethesda, MD 20892, 301–435–1148, *wachtelm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: Clinical Neurophysiology, Devices and Neuroprosthetics.

Date: March 8, 2006.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Vinod Charles, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892, 301–435–0902, *charlesvi@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Health Literacy Small Research Grants.

Date: March 13–14, 2006.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Karen Lechter, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, 301–496–0726, *lechterk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Bioengineering and Physiology.

Date: March 13–14, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Pushpa Tandon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7854, Bethesda, MD 20892, 301–435–2397, *tandonp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–05–124: Shared Instrumentation High-End: Imaging.

Date: March 13, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Khalid Masood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5095H, MSC 7854, Bethesda, MD 20892, 301–402–3962, *masoodk@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Ethical, Legal, and Social Implications of Human Genetics Study Section.

Date: March 13–14, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Grant Applications: Non-HIV Microbial Vaccine Development.

Date: March 13–14, 2006.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Jin Huang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1187, *jh377p@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cognition Perception and Language Fellowships.

Date: March 13–14, 2006.

Time: 8:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: Lynn T. Nielsen-Bohlman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089F, MSC 7848, Bethesda, MD 20892, (301) 594–5287, *nielsenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, R15 Grant Applications.

Date: March 13, 2006.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael M. Sveda, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–3565, *svedam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Endothelial Biology—Member Conflict.

Date: March 13, 2006.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence E. Boerboom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, LCMI Member Conflicts.

Date: March 13, 2006.

Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ghenima Dirami, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2159, MSC 7818, Bethesda, MD 20892, (301) 594–1321, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Growth Hormone Receptor Functions.
Date: March 13, 2006.
Time: 1 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishbak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, CASE: Chronic Disease Epidemiology.
Date: March 13, 2006.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Fungai F. Chanesta, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028B, MSC 7770, Bethesda, MD 20892, (301) 435–1262, *chanetsaf@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Consequences of HIV/AIDS Study Section.
Date: March 14–15, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Mark P. Rubert, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neuroinformatics and Neuroimaging.
Date: March 14–15, 2006.
Time: 8 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.
Contact Person: Robert C. Elliott, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, BGES: Mental Health Epidemiology.
Date: March 14, 2006.
Time: 9:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Fungai F. Chanetsa, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028B, MSC 7770, Bethesda, MD 20892, 301–435–1262, *chanetsaf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Microbial Vaccine Development.
Date: March 14, 2006.
Time: 11 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.
Contact Person: Jin Huang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1187, *jh377p@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Health Literacy.
Date: March 14–15, 2006.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Karen Lechter, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, 301–496–0726, *lechterk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Cognition.
Date: March 14, 2006.
Time: 2 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435–1242, *driscolb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: CIGP and HBPP.
Date: March 14, 2006.
Time: 2 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiac Ion Channels Teleconference.
Date: March 14, 2006.
Time: 2 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, 301–435–4522, *gibsonj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Contractile Protein.
Date: March 14, 2006.
Time: 2:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435–1850, *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: Intention and Attention.
Date: March 14, 2006.
Time: 3:30 p.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Biao Tian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioengineering Nanotechnology Initiative.
Date: March 14, 2006.
Time: 12 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Pushpa Tandon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7854, Bethesda, MD 20892, 301–435–2397, *tandonp@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Cell Death in Neurodegeneration Study Section.
Date: March 15–17, 2006.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036.

Contact Person: David L. Simpson, MD, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278, *simpsod@mail.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.

Date: March 15–16, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate Hotel, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Jose H Guerrier, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Infectious Diseases and Microbiology Fellowships.

Date: March 15–16, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: John C. Pugh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Ear.

Date: March 15, 2006.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Judith A. Finkelstein, PhD, Scientific Review Administrator, Center for Scientific Review, Nationa.l Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, 301–435–1249, *finkelsj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Development, Genomics and Cytogenetics.

Date: March 15, 2006.

Time: 11 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barbara J. Thomas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2220, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict Applications from BSPH.

Date: March 15, 2006.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Mark P. Rubert, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Devices and Detection Systems.

Date: March 15–16, 2006.

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Arlington Gateway Hotel, 801 North Glebe Road, Arlington, VA 22202.

Contact Person: Marc Rigas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7826, Bethesda, MD 20892, 301–402–1074, *rigasm@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group, NeuroAIDS and other End-Organ Diseases Study Section.

Date: March 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: Abraham P. Bautista, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7852, Bethesda, MD 20892, 301–435–1506, *bautista@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, F03B Biophysical and Physiological Neuroscience.

Date: March 16–17, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Peter B. Guthrie, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, 301–435–1239, *guthriep@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, DBBD Minority and Disability Predoctoral Fellowship Review.

Date: March 16–17, 2006.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Paek-Gyu Lee, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095D, MSC 7812, Bethesda, MD 20892, (301) 402–7391, *leepg@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group, HIV/AIDS Vaccines Study Section.

Date: March 16–17, 2006.

Time: 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mary Clare Walker, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7852, Bethesda, MD 20892, (301) 435–1165.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Skeletal Muscle and Exercise Physiology Study Section.

Date: March 16–17, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–6809, *bartletr@csr.nih.gov*.

Name of Committee: Center for Scientific Special Emphasis Panel, Hematopoietic Stem Cells.

Date: March 16, 2006.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Joyce C. Gibson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–4522, *gibson@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Assays and Methods Development.

Date: March 16–17, 2006.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Ping Fan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, (301) 435–1740, *fanp@csr.nih.gov*.

(Catalogue of Federal Domestic Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 14, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–1689 Filed 2–22–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2005–21610]

Nontank Vessel Response Plan Guidance

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of a document that provides revised interim guidelines for the development and review of plans for responding to a discharge, or threat of a discharge, of oil from nontank vessels. The document, in the form of a change to Navigation and Vessel Inspection Circular No. 01–05, is available as indicated in this notice. Federal law requires that these response plans be prepared and submitted to the Coast Guard.

FOR FURTHER INFORMATION CONTACT: If you have questions on the change to Navigation and Vessel Inspection Circular No. 01–05, call Lieutenant Commander Rob Smith or Lieutenant Eric Bauer, Office of Vessel Activities at telephone 202–267–6714. If you have questions on viewing material in the docket, call Ms. Renee K. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

Background

On August 9, 2004, the President signed the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108–293) (2004 Act). Section 701 of the 2004 Act amends section 311(a) and (j) of the Federal Water Pollution Control Act to require the preparation and submission of oil response plans for nontank vessels. The 2004 Act defines ''nontank vessel'' as a self-propelled vessel of 400 gross tons or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that is a vessel of the United States or operates on the navigable waters of the United States. Under the 2004 Act, response plans must have been submitted to the Coast Guard by August 8, 2005.

The 2004 Act requires the Coast Guard to issue response plan regulations. However, to assist industry in meeting the August 8, 2005, deadline, the Coast Guard announced the availability of a Navigation and Vessel Inspection Circular (NVIC) in the **Federal Register** on February 16, 2005, (70 FR 7955) for use in the preparation and submission of response plans until regulations are in effect. As there are already certain provisions in the existing statute that these response plans must meet, the NVIC identifies those requirements, as well as the Coast Guard's recommendations. *Change 1 to NVIC 01–05, Interim Guidance for the Development and Review of Response Plans for Nontank Vessels* provides additional guidance for nontank vessels preparing and submitting response plans.

Access to the NVIC

A copy of Change 1 to NVIC 01–05 can be found in the docket at *http://dms.dot.gov/* [USCG–2005–21610] and at *http://www.uscg.mil/hq/g-m/nvic/*. For those Individuals without Internet access, a copy of Change 1 to NVIC 01–05 may be obtained by contacting the VRP Program staff at 202–267–6714 or your local U.S. Coast Guard Sector Command.

Dated: February 15, 2006.

Howard L. Hime,

Acting Director of Standards Prevention.

[FR Doc. E6–2546 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for Renewal of an Incidental Take Permit for the Bald Eagle From the Proposed Construction and Occupancy of Residences in Gaston County, NC

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Pinsto, Inc. (Permittee) has applied for renewal of an incidental take permit (ITP) from the Fish and Wildlife Service (Service) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). Like the existing permit, the proposed renewed ITP would allow take of the bald eagle (*Haliaeetus leucocephalus*), a federally listed threatened species, incidental to residential development. Destruction of the nest or the tree in which the nest is located is not requested by the Permittee. Rather, the proposed incidental take may occur as a result of harm or harassment to the eagles resulting from residential construction activities in the vicinity of the nest. The Service announces availability of the ITP application and the habitat conservation plan (HCP) for public comment.

DATES: The Service must receive written comments on or before March 27, 2006.

ADDRESSES: Persons wishing to review the permit renewal application and HCP may obtain an electronic copy by contacting the Service's Southeast Regional Office, Atlanta, Georgia, at the address below. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the Asheville Ecological Services Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801. Written data or comments concerning the permit renewal or HCP should be submitted to the Regional Office (Atlanta).

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Valenta, Regional HCP Coordinator (see **ADDRESSES**), telephone: 404/679–4144, e-mail address: *aaron_valenta@fws.gov*, or Mr. Mark Cantrell, Fish and Wildlife Service Biologist, Asheville Field Office (see **ADDRESSES** above), telephone: 828/258–3939 (extension 227).

SUPPLEMENTARY INFORMATION: This would be a 10 year renewal of Permit TE–039993–0 for residential construction which was approved and issued by the Service on May 21, 2001. As residential development continues within the permit area, the incidental taking of bald eagle incidental to earth moving, land clearing, and subsequent human habitation of the permit area may occur, necessitating the need for renewal of the ITP. The renewal request covers the same activities covered by the HCP and existing permit. There will not be an increase in the level of take beyond that anticipated in the original permit.

The previously prepared Habitat Conservation Plan (HCP) specifies the impacts that are likely to result from the taking and the measures the Permittee would undertake to minimize and mitigate such impacts. The existing HCP satisfies all statutory issuance criteria; therefore, it is applicable to the renewal of this ITP.

Copies of the HCP and ITP application may be obtained by making a request, in writing, to the Regional Office (see **ADDRESSES**). This notice is provided pursuant to section 10 of the ESA and National Environmental Policy Act (NEPA) regulations at 40 CFR

1506.6. We specifically request information, views, and opinions from the public on the Federal action. Further, we specifically solicit information regarding the adequacy of the HCP as measured against our ITP issuance criteria found in 50 CFR 13.21 and 17.22.

If you wish to comment, you may submit comments by any one of several methods. Please reference ''ITP for Pinsto Renewal'' in all your comments or requests for the documents discussed in this notice. You may mail comments to our Regional Office (see **ADDRESSES**). You may also comment via the Internet to *aaron_valenta@fws.gov*. Please submit comments over the Internet as an ASCII file, avoiding the use of special characters and any form of encryption. Please also include your name and return mailing address in your Internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at either telephone number listed (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to either Service office listed (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

As many as 75,000 pairs of nesting bald eagles may have lived in the lower 48 United States when the bird was adopted as our national symbol in 1782. It was a common nesting species along the Southeast Coast as well as along major rivers and lakes. Its population diminished rapidly due to habitat destruction, nest disturbance, illegal shooting, and, most notably, the contamination of its food sources by the pesticide DDT. Nesting populations were reduced to less than 2 percent of their former numbers by the 1960s. The bald eagle below the 40th parallel was listed as endangered in 1967 and received protection under the Act. Its populations have steadily increased due to efforts to protect the bald eagle and its habitat, population reintroduction programs, and the banning of DDT. The bald eagle was reclassified as threatened throughout the continental United States by a final rule that published in the **Federal Register** on July 12, 1995 (60 FR 36000). The bald eagle is now being considered for delisting and its rangewide status was discussed in detail in the proposed rule to remove the bald eagle from the Federal List of Endangered and Threatened Wildlife and Plants (July 6, 1999, 64 FR 36454).

The Permittee intends to continue development of a residential subdivision consisting of 12 lots on 13 acres. Homes have been constructed on 10 of the 12 lots to date. The biological goal of the HCP is to avoid harm or injury to the bald eagles and their nest to the maximum extent practicable and to retain the existing eagles within their occupied territory. To avoid, minimize, and mitigate impacts, the Permittee would continue to maintain an open space area of 3.087 acres, which is equivalent to the 150-foot radius buffer adjacent to and contiguous with the nest, and establish use restrictions on the lots surrounding the nest. These restrictions would limit outdoor activities within the subdivision during the nesting season. We expect these efforts would minimize potential effects of human activities on bald eagles that may use the nest. The bald eagle pair has continued to maintain a territory and has nested successfully each year during construction and occupancy of the subdivision to date.

We have evaluated the application for renewal and project area and determined that the renewal of the permit is a ''low-effect'' action, involving minor or negligible effects to the bald eagle and other environmental resources. As provided by the Department of Interior's Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) for implementing National Environmental Policy Act (NEPA), this low-effect HCP qualifies as a categorical exclusion and does not require the preparation of an Environmental Assessment or Environmental Impact Statement. As a categorical exclusion, according to NEPA regulations (40 CFR 1508.4), low-effect HCPs do not individually or cumulatively have a significant effect on the human environment.

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, we, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Permittee has prepared an HCP that includes measures for the long-term protection, management, and enhancement of the bald eagle nesting habitat as required for the ITP application as part of the proposed project.

We will evaluate whether the issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by reviewing our previously prepared intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 15, 2006.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E6–2563 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Harvest and Export of American Ginseng

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice: request for information from the public; announcement of public meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting on American ginseng (*Panax quinquefolius*). This meeting will help us gather information from the public in preparation for our 2006 findings on the export of American ginseng roots, for the issuance of permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

DATES: The meeting date is: Saturday, March 11, 2006, 10 a.m. to 3 p.m., with a one-hour lunch break from 12 p.m. to 1 p.m.

ADDRESSES: The meeting location is: Sutton/Flatwoods—Days Inn, 2000 Sutton Lane, Sutton, West Virginia 26601; (304) 765–5055.

FOR FURTHER INFORMATION CONTACT: For further information, or directions to the meeting, contact Ms. Pat Ford, Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 750, Arlington, VA 22203; 703–358–1708 (telephone), 703–358–2276 (fax), or *patricia_ford@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or Convention) is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction by international trade. Currently, 169 countries, including the United States, are Parties to CITES. The species for which trade is controlled are listed in Appendices I, II, and III of the Convention. Appendix I includes species threatened with extinction that are or may be affected by international trade. Commercial trade in Appendix-I species is prohibited. Appendix II includes species that, although not necessarily threatened with extinction at the present time, may become so unless their trade is strictly controlled through a system of export permits. Appendix II also includes species that CITES must regulate so that trade in other listed species may be brought under effective control (*i.e.*, because of similarity of appearance between listed species and other species). Appendix III comprises species subject to regulation within the jurisdiction of any CITES Party country that has requested the cooperation of the other Parties in regulating international trade in the species.

American ginseng (*Panax quinquefolius*) was listed in Appendix II of CITES on July 1, 1975. The Division of Scientific Authority and the Division of Management Authority of the Service regulate the export of American ginseng, including whole plants, whole roots, and root parts. To meet CITES requirements for export of American ginseng from the United States, the Division of Scientific Authority must determine that the export will not be detrimental to the survival of the species, and the Division of Management Authority must be satisfied that the American ginseng roots to be exported were legally acquired.

Since the inclusion of American ginseng in CITES Appendix II, the Divisions of Scientific Authority and Management Authority have issued findings on a State-by-State basis. To determine whether or not to approve exports of American ginseng, the Division of Scientific Authority has annually reviewed available information from various sources (other Federal agencies, State regulatory agencies, industry and associations, nongovernmental organizations, and academic researchers) on the biology and trade status of the species. After a thorough review, the Division of Scientific Authority makes a non-detriment finding and the Division of Management Authority makes a legal acquisition finding on the export of American ginseng to be harvested during the year in question. From 1999 through 2004, the Division of Scientific Authority included in its non-detriment finding for the export of wild (including wild-simulated and woodsgrown) American ginseng roots an age-based restriction (*i.e.*, plants were required to be at least 5 years old). In 2005, the Division of Scientific Authority included in its non-detriment findings for the export of wild American ginseng roots an age-based restriction that plants must be at least 10 years old, and for the export of wild-simulated and woodsgrown American ginseng roots that plants must be at least 5 years old.

States with harvest programs for wild and/or artificially propagated American ginseng are: Alabama, Arkansas, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

Public Meeting

On Saturday, March 11, 2006, in Sutton, West Virginia, from 10 a.m. to 3 p.m., we will hold an open public meeting (a listening session) to hear from people involved or interested in American ginseng harvest and trade. We will break for lunch from 12 p.m. to 1 p.m. We are particularly interested in obtaining any current information on the status of American ginseng in the wild, and other pertinent information that would contribute to improvements in the CITES export program for this species. We will discuss the Federal regulatory framework for the export of American ginseng and how these regulations control the international trade of this species. We will also discuss the different CITES definitions as they are applied to American ginseng grown under different production systems and how these systems affect the export of American ginseng roots.

You may get directions to the meeting locations from the Division of Scientific Authority or the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT** or **ADDRESSES**). Persons planning to attend the March 11, 2006, meeting who require interpretation for the hearing impaired must notify the Division of Scientific Authority by March 1, 2006 (see **FOR FURTHER INFORMATION CONTACT**).

Author

The primary author of this notice is Pat Ford, the Division of Scientific Authority, U.S. Fish and Wildlife Service.

Dated: February 15, 2006.

William F. Hartwig,

Acting Director, Fish and Wildlife Service.

[FR Doc. E6–2532 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Confederated Tribes of Coos Liquor Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal (Confederated Tribes of Coos) Liquor Code. The Code regulates and controls the possession, sale and consumption of liquor within the Confederated Tribes of Coos Indian Reservation trust land, and other lands subject to tribal jurisdiction. This Code allows for the possession and sale of alcoholic beverages within the exterior boundaries of the Confederated Tribes of Coos Indian Reservation, and will increase the ability of the tribal government to control the Reservation liquor distribution and possession. At the same time, it will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Code is effective on February 23, 2006.

FOR FURTHER INFORMATION CONTACT: Betty Scissons, Division of Tribal Government Services, Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4169, Phone 503–231–6723, Fax 503–231–2201; or Ralph Gonzales, Office of Tribal Services, 1951 Constitution Avenue, NW., Mail Stop 320–SIB, Washington, DC 20240; Telephone (202) 513–7629.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor codes for the purpose of regulating liquor transactions in Indian country. The Confederated Tribes of Coos Tribal

Council adopted its Liquor Code by Resolution No. 04–2004 on October 10, 2004. The purpose of this Code is to govern the sale, possession and distribution of alcohol within the Confederated Tribes of Coos Indian Reservation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs. I certify that this Liquor Code of the Confederated Tribes of Coos was duly adopted by the Tribal Council on October 10, 2004.

Dated: February 16, 2006.

Debbie L. Clark,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

The Confederated Tribes of Coos Liquor Code reads as follows:

Title 5—Regulatory Provisions; Chapter 5–1 Liquor Control

5–1–1 Authority and Purpose

(a) The authority for this Code and its adoption by Tribal Council is found in the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Constitution under Article I—Section 1, Article VI—Section 2 and the Act of October 17, 1984, Public Law No. 98–481, 98 Stat. 2250.

(b) This Code is for the purpose of regulating the sale, possession and use of alcoholic liquor on the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) Reservation and other lands subject to Tribal jurisdiction.

5–1–2 Definitions

To the extent that definitions are consistent with tribal or federal law, terms used herein shall have the same meaning as defined in Oregon Revised Statutes Chapter 471 and in Oregon Administrative Rules Chapter 845.

(a) *Alcoholic Liquor* shall mean any alcoholic beverage containing more than one-half (½) of one percent (1%) alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

(b) *Tribes' Reservation* shall mean all lands held in trust by the United States for the Tribes or their members and all lands owned by the Tribes, wherever located.

(c) *Sell or To Sell* refer to anything forbidden by this Chapter and related to alcoholic liquor, they include:

(1) To solicit or receive an order.

(2) To keep or expose for sale.

(3) To deliver for value or in any way other than purely gratuitously.

(4) To peddle.

(5) To keep with intent to sell.

(6) To traffic in.

(7) For any consideration, promise or obtained directly or indirectly under any pretext or by any means or procure or allow to be procured for any other person.

(d) *Sale* includes every act of selling as defined in subsection (c) of this section.

5–1–3 Prohibited Activity

(a) It shall be unlawful for any person to sell, trade or manufacture any alcoholic liquor on the Tribes' Reservation except as provided for in this Code.

(b) It shall be unlawful for any business establishment or person on the Tribes' Reservation to possess, transport or keep with intent to sell, barter or trade to another any liquor, except for those commercial liquor establishments on the Tribes' Reservation licensed by the Tribes, provided, however, that a person may transport liquor from a licensed establishment consistent with the terms of the license.

(c) It shall be unlawful for any person to consume alcoholic liquor on a public highway.

(d) It shall be unlawful for any person to publicly consume any alcoholic liquor at any community function, or at or near any place of business, Indian celebration grounds, recreational areas, including ballparks and public camping areas, the Tribal Headquarters area and any other area where minors gather for meetings or recreation, except within a tribally licensed establishment where alcohol is sold.

(e) It shall be unlawful for any person under the age of twenty-one (21) years to buy, attempt to buy or to misrepresent their age in attempting to buy, alcoholic liquor. It shall be unlawful for any person under the age of twenty-one (21) years to transport, possess or consume any alcoholic liquor on the Tribes' Reservation, or to be under the influence of alcohol or to be at an established commercial liquor establishment, except as authorized under Section 5–1–5 of this Code. No person shall sell or furnish alcoholic liquor to any minor.

(f) Alcoholic liquor may not be given as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind.

5–1–4 Procedure for License

(a) Any request for a license under this Code must be presented to the Tribal Council at least thirty (30) days prior to the requested effective date. Tribal Council shall set license conditions at least as strict as those required by federal law, including at a minimum:

(1) Liquor may only be served and handled in a manner no less strict than allowed under Oregon Revised Statutes Chapter 471; and

(2) Liquor may only be served by staff of the licensee.

(b) Council action on a license request must be taken at a regular or special meeting. Unless the request is for a special event license, the Council shall give at least fourteen (14) days' notice of the meeting at which the request will be considered. Notice shall be posted at the Tribal Council offices and at the establishment requesting the license, and will be sent by Certified Mail to the Oregon Liquor Control Commission.

5–1–5 Sale or Service of Liquor by Licensee's Minor Employees

(a) The holder of a license issued under this Code or Oregon Revised Statutes Chapter 472 may employ persons eighteen (18), nineteen (19) and twenty (20) years of age who may take orders for, serve and sell alcoholic liquor in any part of the licensed premises when that activity is incidental to the serving of food except in those areas classified by the Oregon Liquor Control Commission as being prohibited to the use of minors. However, no person who is eighteen (18), nineteen (19) or twenty (20) years of age shall be permitted to mix, pour or draw alcoholic liquor except when pouring is done as a service to the patron at the patron's table or drawing is done in a portion of the premises not prohibited to minors.

(b) Except as stated in this section, it shall be unlawful to hire any person to work in connection with the sale and service of alcoholic beverages in a tribally licensed liquor establishment if such person is under the age of twenty-one (21) years.

5–1–6 Warning Signs Required

(a) Any person in possession of a valid retail liquor license, who sells liquor by the drink for consumption on the premises or sells for consumption off the premises, shall post a sign informing the public of the effects and risks of alcohol consumption during pregnancy.

(b) The sign shall:

(1) Contain the message: ''Pregnancy and alcohol do not mix. Drinking alcoholic beverages, including wine, coolers and beer, during pregnancy can cause birth defects.''

(2) Be either:

(A) A large sign, no smaller than eight and one-half (8½) inches by eleven (11) inches in size with lettering no smaller

than five-eighths of an inch (⅝) in height; or

(B) A reduced sign, five (5) by seven (7) inches in size with lettering of the same proportion as the large sign described in paragraph (i) of this subsection.

(3) Contain a graphic depiction of the message to assist nonreaders in understanding the message. The depiction of a pregnant female shall be universal and shall not reflect a specific race or culture.

(4) Be in English unless a significant number of the patrons of the retail premises use a language other than English as a primary language. In such cases, the sign shall be worded both in English and the primary language or languages of the patrons.

(5) Be displayed on the premises of all licensed retail liquor premises as either a large sign at the point of entry, or a reduced sized sign at points of sale.

(c) The person described in paragraph (a) of this section shall also post signs of any size at places where alcoholic beverages are displayed.

5–1–7 Civil Penalty

(a) Any person who violates the provisions of this Code is deemed to have consented to the jurisdiction of the Tribal Court and may be subject to a civil penalty in Tribal Court for a civil infraction. Such civil penalty shall not exceed the sum of one thousand dollars ($1,000) for each such infraction, provided, however, that the penalty shall not exceed five thousand dollars ($5,000) if it involves minors.

(b) The procedures governing the adjudication in Tribal Court of such civil infractions shall be those set out in the Trial Court rules.

(c) The Tribal Council hereby specifically finds that such civil penalties are reasonably necessary and are related to the expense of governmental administration necessary in maintaining law and order and public safety on the Reservation and in managing, protecting and developing the natural resources on the Reservation. It is the legislative intent of the Tribal Council that all violations of this Chapter, whether committed by tribal members, non-member Indians or non-Indians, be considered civil in nature rather than criminal.

5–1–8 Severability

If a court of competent jurisdiction finds any provision of this Code to be invalid or illegal under applicable Federal or Tribal law, such provision shall be severed from this Code and the remainder of this Code shall remain in full force and effect.

5–1–9 Consistency With State Law

The Tribes agree to perform in the same manner as any other Oregon business entity for the purpose of liquor licensing and regulations, including but not limited to licensing, compliance with the regulations of the Oregon Liquor Control Commission, maintenance of liquor liability insurance, which is incorporated as if specifically set forth herein, as it may be amended from time to time.

5–1–10 Effective Date

(a) This Code shall be effective upon publication in the **Federal Register** after approval by the Secretary of the Interior or his designee.

(b) Tribal Council may adopt amendments to this Code and those amendments shall be effective upon publication in the **Federal Register** after approval by the Secretary of the Interior or his designee.

[FR Doc. E6–2590 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Board for Exceptional Children; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of correction.

SUMMARY: This document corrects the notice that was published in the **Federal Register** on February 15, 2006, 71 FR 8309, as follows:

Correction

On page 8309, in the third column under the **ADDRESSES** section, in the first sentence the city of the meeting place was incorrectly stated. The sentence is corrected to read ''The meetings will be held at the Francisco Grande Hotel and Golf Resort, 26000 West Gila Bend Highway, Casa Grande, Arizona.''

FOR FURTHER INFORMATION CONTACT: Lynann Barbero, (505) 248–7528.

Dated: February 16, 2006.

Debbie L. Clark,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–2573 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–PH; GP6–0078]

Notice of Public Meeting, Eastern Washington Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, U.S. Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management Eastern Washington Resource Advisory Council will meet as indicated below.

DATES: The Eastern Washington Resource Advisory Council will meet Friday, March 31, 2006 at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane Valley, Washington 99212–1275.

SUPPLEMENTARY INFORMATION: The meeting will start at 8:30 a.m. and adjourn at 4 p.m. Topics on the meeting agenda include: District accomplishments 2005 and Focus for 2006, update on land exchanges, Forest Health and Stewardship, BLM/USFS Service First, District priorities and workforce planning. The meeting is open to the public, with an opportunity for public comment between 11:45 a.m. and 12:15 p.m. Information to be distributed to Council members for their review should be submitted, in writing, to the Spokane District Office prior to March 31.

FOR FURTHER INFORMATION CONTACT: Sandra Gourdin or Kathy Helm, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane Valley, Washington 99212, or call (509) 536–1200.

Dated February 16, 2006.

Gary J. Yeager,

Acting District Manager.

[FR Doc. E6–2562 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Availability of Environmental Documents. Prepared for OCS Mineral Proposals on the Gulf of Mexico OCS.

SUMMARY: Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA) and Findings of No Significant Impact (FONSI), prepared by MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: MMS prepares SEAs and FONSIs for proposals that relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. These SEAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the SEA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This listing includes all proposals for which the Gulf of Mexico OCS Region prepared a FONSI in the period subsequent to publication of the preceding notice.

Activity/operator	Location	Date
Forest Oil Corporation, Structure Removal SEA ES/SR 05–161	Eugene Island, Block 314, Lease OCS–G 01981, located 70 miles from the nearest Louisiana shoreline.	11/29/2005
Southern Natural Gas Company, Structure Removal SEA ES/SR 05–160.	Main Pass, Block 298, Lease OCS–G 01906, located 18 miles from the nearest Louisiana shoreline.	12/1/2005
Energy Resource Technology, Inc., Structure Removal SEA ES/SR 05–162.	East Cameron, Block 38, Lease OCS–G 02562, located 8 miles from the nearest Louisiana shoreline.	12/5/2005
Apache Corporation, Structure Removal SEA ES/SR 05–156	Main Pass, Block 312, Lease OCS–G 16520, located 15 miles from the nearest Louisiana shoreline.	12/5/2005
Northern Natural Gas Company, Structure Removal SEA ES/SR 05–155.	Matagorda Island, Block 686, Lease OCS–G 04625, located 18 miles from the nearest Texas shoreline.	12/14/2005
Walter Oil & Gas Corporation, Structure Removal SEA ES/SR 05–153.	Grand Isle, Block 104, Lease OCS–G 14560, located 48 miles from the nearest Louisiana shoreline.	12/16/2005
El Paso Production Oil & Gas Company, Structure Removal SEA ES/SR 05–157.	Vermilion, Block 102, Lease OCS–G 03393, located 30 miles from the nearest Louisiana shoreline.	12/16/2005
Nippon Oil Exploration U.S.A. Limited, Structure Removal SEA ES/SR 05–163.	High Island, Block 140, Lease OCS 00518, located 20 miles from the nearest Texas shoreline.	12/19/2005
Walter Oil & Gas Corporation, Structure Removal SEA ES/SR 05–165.	High Island, Block 200, Lease OCS–G 09086, located 30 miles from the nearest Texas shoreline.	12/19/2005
Millennium Offshore Group, Inc., Structure Removal SEA ES/SR 05–158.	East Cameron, Block 192, Lease OCS–G 08650, located 70 miles from the nearest Louisiana shoreline.	12/21/2005
Apache Corporation, Structure Removal SEA ES/SR 05–159	South Timbalier, Block 161, Lease OCS–G 01248, located 32 miles from the nearest Louisiana shoreline.	12/21/2005
Marlin Energy Offshore, L.L.C., Structure Removal SEA ES/SR 05–142, 143, 144, 145, 146, 147, 148, 149, 150, and 151.	South Timbalier, Block 21, Lease OCS–G 00263, located 4 miles from the nearest Louisiana shoreline.	12/29/2005

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about SEAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact MMS at the address or telephone listed in the **FOR FURTHER INFORMATION** section.

Dated: January 18, 2006.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. E6–2555 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: David Phelps Archaeology Laboratory of East Carolina University, East Carolina University, Greenville, NC

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the David Phelps Archaeology Laboratory of East Carolina University, East Carolina University, Greenville, NC. The human remains and associated funeray objects were removed from Bertie, Greene, Hertford, and Martin Counties, NC.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by professional staff of the David Phelps Archaeology Laboratory of East Carolina University in consultation with representatives of the Tuscarora Nation of New York.

In 1971 and 1978, human remains representing a minimum of 20 individuals were removed from the

Jordan's Landing site (31 BR7), Bertie County, NC, during excavations conducted by East Carolina University professional staff and supervised field school students. No known individuals were identified. The 4,436 associated funerary objects are identified as 17 faunal bones, 8 triangular chipped stone projectile points, 1 hammerstone, 1 shell dipper, 4,288 marginella beads, 29 columnella shell beads, 86 shell disc beads, 1 shell pendent, a deposit of red ochre, 1 ceramic shred, and 2 bone pins.

Based on the types of associated funerary objects, the human remains have been determined to be Native American. Based on geographic placement and later historic documentation, there are reasonable grounds to believe that the human remains are culturally affiliated with the Tuscarora Nation of New York.

In 1971, human remains representing a minimum of one individual were removed from site 31MT16, Martin County, NC, during a cultural resource management survey conducted by East Carolina University professional staff. The human remains were highly fragmented in a midden deposit and commingled with faunal remains. No known individual was identified. No associated funerary objects were present.

Based on archaeological evidence, the human remains have been determined to be Native American. Based on geographic placement, there are reasonable grounds to believe that the human remains are culturally affiliated with the Tuscarora Nation of New York.

In 1972, human remains representing a minimum of 20 individuals were removed from the San Souci East site (31 BR5), Bertie County, NC, by an artifact collector and turned over the East Carolina University archeology lab. The human remains were highly fragmented and scattered. No known individuals were identified. The 388 associated funerary objects are identified as 3 faunal bones (2 deer antler dog/canine skull), 373 marginella beads, 4 bone pins, 2 bone awls, 4 bone pendants, and 2 bone needles.

Based on the types of associated funerary objects, the human remains have been determined to be Native American. Based on the archeological evidence, the San Souci East site has been identified as a Late Prehistoric period occupation (A.D. 800–1650) (Ward & Davis, ''Time Before History: The Archaeology of North Carolina''). Based on geographic placement and later historic documentation, there are reasonable grounds to believe that the human remains and cultural items are culturally affiliated with the Tuscarora Nation of New York.

In 1983, highly fragmented human remains representing a minimum of one individual were removed from site 31HF30 in Hertford County, NC, by East Carolina University professional staff. No known individual was identified. No associated funerary objects were present.

Based on archeological evidence, the human remains have been determined to be Native American. Based on geographic placement, there are reasonable grounds to believe that the human remains are culturally affiliated with the Tuscarora Nation of New York.

In January 1990, human remains representing a minimum of seven individuals were removed from Fort Neoheroka (31GR4) in Greene County, NC, during excavations conducted by East Carolina University professional staff and supervised field school students. No known individuals were identified. No associated funerary objects were present.

Based on archeological evidence and historical documentation, the human remains have been determined to be Native American. Based on geographic placement and historical documentation, there are reasonable grounds to believe that the human remains and associated funerary items are culturally affiliated with the Tuscarora Nation of New York.

In 1992, highly fragmented human remains representing a minimum of 20 individuals were removed from the Kearney site (31GR84) in Greene, County, NC, by East Carolina University professional staff and a local artifact collector. No known individuals were identified. No associated funerary objects were present.

Based on archeological evidence, the human remains have been determined to be Native American. Based on geographic placement, there are reasonable grounds to believe that the human remains and associated funerary items are culturally affiliated with the Tuscarora Nation of New York.

Archeologists have long considered the North Carolina Coastal Plain to be comprised of distinct cultural and archeological areas. These areas generally are seen to coincide with tribal and linguistic groupings recognized by anthropologists who have studied the ethnographic records. The Coastal Plain can be divided into northern and southern regions. The northern region extends from the Neuse River basin to the Virginia state line and encompasses the area occupied by Algonkian- and Iroquoisan-speaking groups at the time of the arrival of the first English colonists. The Algonkians lived in the eastern Tidewater zone of the northern coast, whereas the Iroquois, represented by the Tuscaroras, occupied the interior coastal plain. The interior coastal plain region has been chronologically divided into two phases, which are the Mount Pleasant phase (500 B.C.–A.D. 800) and the Cashie phase (A.D. 800–A.D. 1715) (Ward & Davis). Based on the archeological evidence, the sites described above have been identified as a Middle (Mount Pleasant phase) to Late (Cashie phase) Woodland Period occupation. The Tuscaroras occupied this area from at least the Mount Pleasant phase until historical times. Descendants of the Tuscaroras are members of the Tuscarora Nation of New York.

Officials of the Phelps Archaeology Laboratory at East Carolina University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of at least 70 individuals of Native American ancestry. Officials of the Phelps Archaeology Laboratory at East Carolina University also have determined that, pursuant to 25 U.S.C. 3001(3)(A), the 4,824 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rate or ceremony. Lastly, officials of the Phelps Archaeology Laboratory at East Carolina University have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated fragmented objects of the Tuscarora Nation of New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and/or associated funerary objects should contact Dr. Charles R. Ewen, Director, Archaeology Laboratories, Department of Anthropology, East Carolina University, telephone (252) 328–9454, before March 27, 2006. Repatriation of the human remains and associated funerary objects to the Tuscarora Nation of New York may proceed after that date if no additional claimants come forward.

The Phelps Archaeology Laboratory of East Carolina University is responsible for notifying the Tuscarora Nation of New York that this notice has been published.

Dated: February 9, 2006.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 06–1628 Filed 2–22–06; 8:45 am]

BILLING CODE 4312–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and were pending through December 31, 2005, and contract actions that have been completed or discontinued since the last publication of this notice on November 2, 2005. From the date of this publication, future quarterly notices during this calendar year will be limited to new, modified, discontinued, or completed contract actions. This annual notice should be used as a point of reference to identify changes in future notices. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Sandra L. Simons, Manager, Contract Services Office, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939 and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in This Document

BCP—Boulder Canyon Project
Reclamation—Bureau of Reclamation
CAP—Central Arizona Project
CVP—Central Valley Project
CRSP—Colorado River Storage Project
FR—Federal Register
IDD—Irrigation and Drainage District
ID—Irrigation District
M&I—Municipal and Industrial
NMISC—New Mexico Interstate Stream Commission
O&M—Operation and Maintenance
P–SMBP—Pick-Sloan Missouri Basin Program
PPR—Present Perfected Right
RRA—Reclamation Reform Act of 1982
SOD—Safety of Dams
SRPA—Small Reclamation Projects Act of 1956
WD—Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

1. Irrigation, M&I, and miscellaneous water users; Idaho, Oregon, Washington, Montana, and Wyoming: Temporary or interim water service contracts for irrigation, M&I, or miscellaneous use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal

and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Poplar ID, all in the Minidoka Project, Idaho; Juniper Flat District Improvement Company, Wapinitia Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA.

5. Palmer Creek Water District Improvement Company, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 13,000 acre-feet.

6. North Unit ID, Deschutes Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to convey nonproject water.

7. Trendwest Resorts, Yakima Project, Washington: Long-term water exchange contract for assignment of Teanaway River and Big Creek water rights to Reclamation for instream flow use in exchange for annual use of up to 3,500 acre-feet of water from Cle Elum Reservoir for a proposed resort development.

8. City of Cle Elum, Yakima Project, Washington: Contract for up to 2,170 acre-feet of water for municipal use.

9. Burley ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main South Side Canal and works incidental thereto.

10. Minidoka ID, Minidoka Project, Idaho-Wyoming: Supplemental and amendatory contract providing for the transfer of O&M of the headworks of the Main North Side Canal and works incidental thereto.

11. Queener Irrigation Improvement District, Willamette Basin Project, Oregon: Renewal of long-term water service contract to provide up to 2,150 acre-feet of stored water from the Willamette Basin Project (a Corps of Engineers' project) for the purpose of irrigation within the district's service area.

12. Vale and Warmsprings IDs, Vale Project, Oregon: Repayment contract for reimbursable cost of SOD modifications to Warm Springs Dam.

13. West Extension ID, Umatilla Project, Oregon: Contract for long-term boundary expansion to include lands outside of federally recognized district boundaries.

14. Greenberry ID, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 7,500 acre-feet of project water.

15. Twenty-three irrigation districts of the Arrowrock Division, Boise Project, Idaho: Repayment agreements with districts with spaceholder contracts for repayment, per legislation, of reimbursable share of costs to rehabilitate Arrowrock Dam Outlet Gates under the O&M program.

16. Seven irrigation water user entities, Boise Project, Idaho: Long-term renewal and/or conversion of eight irrigation water service contracts for supplemental irrigation use of up to 9,318 acre-feet of storage space in Lucky Peak Reservoir, a Corps of Engineers' project on the Boise River, Idaho.

17. Lake Lowell water users, Boise Project, Idaho-Oregon: Repayment contracts for reimbursable cost of SOD modifications to Deer Flat Dam.

The following action has been partially completed since the last publication of this notice on November 2, 2005:

1. (16) Eighteen irrigation water user entities, Boise Project, Idaho: Long-term renewal and/or conversion of 15 irrigation water service contracts for supplemental irrigation use of up to 57,318 acre-feet of storage space in Lucky Peak Reservoir, a Corps of Engineers' project on the Boise River, Idaho. Eleven water service contracts have been converted to repayment contracts for a total of 61,700 acre-feet of storage space.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, California, Nevada, and Oregon: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; temporary conveyance agreements with the State of California for various purposes; long-term contracts for similar service for up to 1,000 acre-feet annually.

2. Contractors from the American River Division, Cross Valley Canal, Delta Division, Sacramento River Division, San Felipe Division, and West San Joaquin Division, CVP, California: Renewal of 28 long-term water service contracts; water quantities for these contracts total in excess of 2.1M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts. Execution of long-term renewal contracts have been completed for the Friant, Shasta, and Trinity River Divisions. Long-term renewal contract execution is continuing for the other contractors.

3. Redwood Valley County WD, SRPA, California: Restructuring the repayment schedule pursuant to Public Law 100–516.

4. El Dorado County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency authorized by Public Law 101–514.

5. Sutter Extension WD, Delano-Earlimart ID, and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102–575, cooperative agreements with non-Federal entities for the purpose of providing funding for CVP refuge water wheeling facility improvements to provide water for refuge and private wetlands.

6. CVP Service Area, California: Temporary water purchase agreements for acquisition of 20,000 to 200,000 acre-feet of water for fish and wildlife purposes as authorized by the Central Valley Project Improvement Act for terms of up to 3 years.

7. City of Roseville, CVP, California: Execution of long-term Warren Act contract for conveyance of nonproject water provided from the Placer County Water Agency. The contract will allow CVP facilities to be used to deliver nonproject water to the City of Roseville for use within its service area.

8. Sacramento Municipal Utility District, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and assignment of up to 30,000 acre-feet of project water to the Sacramento County Water Agency. The amended contract will conform to current Reclamation law.

9. El Dorado ID, CVP, California: Execution of long-term Warren Act contracts for conveyance of nonproject water (one contract for Weber Reservoir and pre-1914 ditch rights in the amount of 3,344 acre-feet, and one contract for Project 184 water in the amount of 11,000 acre-feet). The contracts will allow CVP facilities to be used to deliver nonproject water to El Dorado ID for use within its service area.

10. Horsefly, Klamath, Langell Valley, and Tulelake IDs; Klamath Project; Oregon: Repayment contracts for SOD work on Clear Lake Dam. These districts will share in repayment of costs, and each district will have a separate contract. Initial contract should be ready by April 2006.

11. Casitas Municipal WD, Ventura Project, California: Repayment contract for SOD work on Casitas Dam.

12. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts (up to 25 years) with various entities for conveyance of nonproject water in Delta Division, Friant Division, and San Luis Unit facilities.

13. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly long-term contract for storage of nonproject water in New Melones Reservoir.

14. Banta Carbona ID, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the Delta-Mendota Canal.

15. Byron-Bethany ID, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the Delta-Mendota Canal.

16. Sacramento Area Flood Control Agency, CVP, California: Execution of a long-term operations agreement for flood control operations of Folsom Dam and Reservoir to allow for recovery of costs associated with operating a variable flood control pool of 400,000 to 670,000 acre-feet of water during the flood control season. This agreement is to conform to Federal law.

17. Colusa County WD, CVP, California: Proposed long-term Warren Act contract for conveyance of up to 4,500 acre-feet of ground water through the Tehama-Colusa Canal.

18. Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the operation, maintenance, and replacement and certain financial and administrative activities related to the Madera Canal and associated works.

19. Carpinteria WD, Cachuma Project, California: Contract to transfer title of distribution system to the district. Title transfer authorized by Public Law 108–315 ''Carpinteria and Montecito Water Distribution Conveyance Act of 2004.''

20. Montecito WD, Cachuma Project, California: Contract to transfer title of distribution system to the district. Title transfer authorized by Public Law 108–315 ''Carpinteria and Montecito Water Distribution Conveyance Act of 2004.''

21. Sacramento Suburban WD, CVP, California: Execution of long-term Warren Act contract for conveyance of nonproject water. The contract will allow CVP facilities to be used to deliver nonproject water provided from the Placer County Water Agency to the Sacramento Suburban WD for use within its service area.

22. Truckee Meadows Water Authority, Town of Fernley, State of California, City of Reno, City of Sparks, Washoe County, State of Nevada, Truckee-Carson ID, and any other local interest or Native American Tribal Interest, who may have negotiated rights under Public Law 101–618; Nevada and California: Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101–618 and the Preliminary Settlement Agreement. The contracts shall be consistent with the Truckee River Water Quality Settlement Agreement and the terms and conditions of the proposed Truckee River Operating Agreement.

23. Sacramento River Settlement Contracts, CVP, California: Five contracts remain to be executed out of a total of 145 contracts and one contract with Colusa Drain Mutual Water Company; water quantities for these contracts total 2.2M acre-feet. These contracts will be renewed for a period of 40 years. The contracts reflect agreements to settle disputes over water rights' claims on the Sacramento River and the Colusa Basin Drain.

24. San Joaquin Valley National Cemetery, U.S. Department of Veteran Affairs; Delta Division, CVP; California: Renewal of the long-term water service contract for up to 850 acre-feet. Contract executed February 28, 2005. Execution of the wheeling agreement for conveyance through the California State Aqueduct is pending.

25. A Canal Fish Screens, Klamath Project, Oregon: Negotiation of an O&M contract for the A Canal Fish Screen with Klamath ID.

26. Ady Canal Headgates, Klamath Project, Oregon: Transfer of operational control to Klamath Drainage District of the headgates located at the railroad. Reclamation does not own the land at the headgates only operational control pursuant to a railroad agreement.

27. Orland Unit Water Users Association, Orland Project, California: Repayment contract for the SOD costs assigned to the irrigation purposes of Stony Gorge Dam.

28. Delta Lands Reclamation District No. 770, CVP, California: Long-term Warren Act contract for conveying nonproject flood flows.

29. Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada; Humboldt Project; Nevada: Title transfer to lands and features of the Humboldt Project.

30. PacifiCorp, Klamath Basin Area Office, Klamath Project, Oregon: Execution of long-term agreement for lease of power privilege and the O&M of Link River Dam. This agreement will provide for operations of Link River Dam, coordinated operations with the non-Federal Keno Dam, and provision of power by PacifiCorp for Klamath Project purposes to ensure project water deliveries and to meet Endangered Species Act requirements.

31. Cachuma Operation and Maintenance Board, Cachuma Project, California: Repayment for SOD work on Lauro Dam.

32. Broadview WD, CVP, California: Proposed assignment of 27,000 acre-feet of Broadview WD's entire CVP supply to Westlands WD for irrigation and M&I use.

33. Mendota Wildlife Area, CVP, California: Reimbursement agreement between California Department of Fish and Game and Reclamation for conveyance service costs to deliver Level 2 water to the Mendota Wildlife Area during infrequent periods when the Mendota Pool is down due to unexpected but needed maintenance. This action is taken pursuant to Public Law 102–575, Title 34, Section 3406(d)(1), to meet full Level 2 water needs of the Mendota Wildlife Area.

34. Mercy Springs WD, CVP, California: Proposed partial assignment of 2,825 acre-feet of Mercy Springs WD's CVP supply to San Luis WD for irrigation and M&I use.

35. Oro Loma WD, CVP, California: Proposed partial assignment of 4,000 acre-feet of Oro Loma WD's CVP supply to Westlands WD for irrigation and M&I use.

36. San Luis WD, CVP, California: Proposed partial assignment of 2,400 acre-feet of San Luis WD's CVP supply to Santa Nella County WD for M&I use.

37. Placer County Water Agency, CVP, California: Proposed exchange agreement under Section 14 of the Reclamation Project Act of 1939 of up to 74,000 acre-feet.

38. Eighteen contractors in the Klamath Project, Oregon: Amendment of 18 repayment contracts or negotiation of new contracts to allow for recovery of additional capital costs to the Klamath Project. These contract actions will be accomplished through amendments to the existing repayment contracts or negotiation of new contracts.

39. Gray Lodge Wildlife Area Deep Well Pumping Reimbursement Agreement, Central Valley Project Improvement Act, California: Amendment to extend termination date for 1 more year will be executed by December 2006.

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8081.

1. Milton and Jean Phillips, BCP, Arizona: Colorado River water delivery contract for 60 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

2. John J. Peach, BCP, Arizona: Colorado River water delivery contracts for 456 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

3. Brooke Water Co., BCP, Arizona: Amend contract for an additional 120 acre-feet per year of Colorado River water per year for domestic uses, as recommended by the Arizona Department of Water Resources.

4. Beattie Farms SW, BCP, Arizona: Contract for 1,110 acre-feet per year of fourth priority water for agricultural purposes.

5. Maricopa-Stanfield IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0047 to reschedule repayment pursuant to June 28, 1996, agreement.

6. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

7. Central Arizona IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0048 to modify repayment terms pursuant to final order issued by U.S. Bankruptcy Court, District of Arizona.

8. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve seepage water from the Coachella Branch of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act, dated November 17, 1988.

9. Salt River Pima-Maricopa Indian Community, CAP, Arizona: O&M contract for its CAP water distribution system.

10. Miscellaneous PPR No. 38, BCP, California: Assign Schroeder's portion of the PPR to Murphy Broadcasting.

11. Berneil Water Co., CAP, Arizona: Partial assignment of 200 acre-feet of water per year to the Cave Creek Water Company.

12. Canyon Forest Village II Corporation, BCP, Arizona: Colorado River water delivery contract for up to 400 acre-feet per year of unused Arizona apportionment or surplus apportionment for domestic use.

13. Gila Project Works, Gila Project, Arizona: Title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to Wellton-Mohawk IDD.

14. Gila River Indian Community, CAP, Arizona: Amend CAP water delivery contract and distribution system repayment and operation, maintenance, and replacement contract pursuant to the Arizona Water Settlements Act, Public Law 108–451, enacted December 10, 2004.

15. North Gila Valley IDD, Yuma ID, and Yuma Mesa IDD; Yuma Mesa Division, Gila Project; Arizona: Administrative action to amend each district's Colorado River water delivery contract to effectuate a change from a ''pooled'' water entitlement for the Division to a quantified entitlement for each district.

16. Indian and/or non-Indian M&I users, CAP, Arizona: New or amendatory water service contracts or subcontracts in accordance with an anticipated final record of decision for reallocation of CAP water, as discussed in the Secretary of the Interior's notice published on page 41456 of the FR on July 30, 1999.

17. Litchfield Park Service Company, CAP, Arizona: Proposed partial assignments of subcontract for 5,590 acre-feet of CAP M&I water to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District, and to the cities of Avondale, Carefree, and Goodyear.

18. Shepard Water Company, Inc., BCP, Arizona: Contract for the annual delivery of 50 acre-feet of fourth priority water per year for domestic use.

19. Jessen Family Limited Partnership, BCP, Arizona: Contract for delivery of 1,080 acre-feet of Colorado River water for agricultural purposes.

20. City of Somerton, BCP, Arizona: Contract for the annual delivery of up to 750 acre-feet of Colorado River water per year for domestic use as recommended by the Arizona Department of Water Resources.

21. Various irrigation districts, CAP, Arizona: Amend distribution system repayment contracts to provide for partial assumption of debt by the Central Arizona Water Conservation District and the United States upon enactment of Federal legislation providing for resolution of CAP issues.

22. Mohave County Water Authority, BCP, Arizona: Amendatory Colorado River water delivery contract to include the delivery of 3,500 acre-feet per year of fourth priority water and to delete the delivery of 3,500 acre-feet per year of fifth or sixth priority water.

23. All-American Canal, BCP, California: Agreement among Reclamation, Imperial ID, Metropolitan WD, and Coachella Valley WD for the federally funded construction of a reservoir(s) and associated facilities that will improve the regulation and management of Colorado River water (Federal legislation pending).

24. Tohono O'odham Nation, CAP, Arizona: Amend CAP water delivery contract pursuant to the Arizona Water Settlements Act, Public Law 108–451, enacted December 10, 2004.

25. Sunrise Water Company, CAP, Arizona: Proposed assignment of subcontract for 944 acre-feet of CAP M&I water per year to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District.

26. West End Water Company, CAP, Arizona: Proposed assignment of subcontract for 157 acre-feet of CAP M&I water per year to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District.

27. New River Utilities Company, CAP, Arizona: Proposed assignment of subcontract for 1,885 acre-feet of CAP M&I water to the Central Arizona Water Conservation District, which is exercising its authority as the Central Arizona Groundwater Replenishment District.

28. Metropolitan WD and others, BCP, Arizona and California: Contract to provide for the recovery by Metropolitan WD of interstate underground storage credits previously placed in underground storage in Arizona by the Central Arizona Water Conservation District under agreements executed in 1992 and 1994, and to document the Arizona Water Banking Authority's responsibility in agreeing to Arizona's forbearance in the use of Colorado River water to permit the Secretary of the Interior to release that quantity of water for diversion and use by Metropolitan WD.

29. Wellton-Mohawk IDD, BCP, Arizona: Amend contract No. 1–07–30–W0021 to revise the acre-foot amount for delivery of domestic use water to 12,000 acre-feet per calendar year, within the district's current overall Colorado River water entitlement.

30. Fisher's Landing Water and Sewer Works, LLC, BCP, Arizona: Contract for 53 acre-feet annually of Colorado River water to be used to account for domestic water use on residential properties located within the Castle Dome area of Martinez Lake.

31. Forbearance agreements, BCP, Arizona and California: Develop and execute short-term agreements to implement a demonstration forbearance program to evaluate the feasibility of

acquiring water through a voluntary land fallowing program, to replace drainage water currently being bypassed to the Cienega de Santa Clara.

32. Miscellaneous PPR No. 43, BCP, California: Contract with the City of Needles for 1,500 acre-feet diversion and 950 acre-feet consumptive use.

33. Arizona Water Settlements Act, CAP, Arizona: Implementation of the contracting requirements of Title I Central Arizona Project Settlement Act of 2004, Title II Gila River Indian Community Water Rights Settlement, Title III Southern Arizona Water Rights Settlement, and Title IV San Carlos Apache Tribe Water Rights Settlement.

34. Cibola Valley IDD, BCP, Arizona: Assign 396 acre-feet per year of the district's entitlement to fourth, fifth, and sixth priority water to The Conservation Fund.

35. Mohave County Water Authority, BCP, Arizona: Amend contract No. 04–XX–30–W0431 to provide for a change of type and place of use.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

1. Individual irrigators, M&I, and miscellaneous water users; Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10, 000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) Oxbow Mining, LLC, Aspinall Storage Unit, CRSP: Oxbow Mining, LLC has requested a 40-year water service contract for 242 acre-feet of M&I water out of Blue Mesa Reservoir, which requires that an augmentation plan be presented to the Division 4 Water Court.

(b) National Park Service, Aspinall Storage Unit, CRSP: The National Park Service has requested a 40-year water service contract for 3 acre-feet of water out of Blue Mesa Reservoir.

(c) Joseph Foran, Aspinall Storage Unit, CRSP: Mr. Foran has requested a 40-year water service contract for 25 acre-feet of water out of Blue Mesa Reservoir. Mr. Foran has submitted an augmentation plan to Water District 4, case number pending.

(d) Farnsworth Construction and Gravel Company, Aspinall Storage Unit, CRSP: The Company has requested a 40-year water service contract for 1 acre-foot of water out of Blue Mesa Reservoir. The Company has submitted an augmentation plan to Water District 4, Case No. 04–CW–204.

(e) Double Tree Ranch East, LLC, Aspinall Storage Unit, CRSP: Double Tree has requested a 40-year water service contract for 1 acre-foot of water out of Blue Mesa Reservoir. Double Tree has submitted an augmentation plan to Water District 4, case number pending.

2. San Juan-Chama Project, New Mexico: The United States is holding the remaining 2,990 acre-feet of project water for potential use in Indian water rights settlements in New Mexico.

3. Various Contactors, San Juan-Chama Project, New Mexico: The United States proposes to lease water from various contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow.

4. Uncompahgre Valley Water Users Association, Upper Gunnison River Water Conservancy District, and the Colorado River Water Conservation District; Uncompahgre Project; Colorado: Water management agreement for water stored at Taylor Park Reservoir and the Wayne N. Aspinall Storage Units to improve water management.

5. Southern Ute Indian Tribe, Florida Project, Colorado: Supplement to contract No. 14–06–400–3038, dated May 7, 1963, for an additional 181 acre-feet of project water, plus 563 acre-feet of project water pursuant to the 1986 Colorado Ute Indian Water Rights Final Settlement Agreement.

6. Sanpete County Water Conservancy District, Narrows Project, Utah: Application for a SRPA loan and grant to construct a dam, reservoir, and pipeline to annually supply approximately 5,000 acre-feet of water through a transmountain diversion from upper Gooseberry Creek in the Price River drainage (Colorado River Basin) to the San Pitch—Sevier River (Great Basin).

7. Individual irrigators, Carlsbad Project, New Mexico: The United States proposes to enter into long-term forbearance lease agreements with individuals who have privately held water rights to divert nonproject water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. This action will result in additional water in the Pecos River to make up for the water depletions caused by changes in operations at Summer Dam which were made to improve conditions for a threatened species, the Pecos bluntnose shiner.

8. La Plata Conservancy District, Animas-La Plata Project, Colorado and New Mexico: Cost-sharing/repayment contract for up to 1,560 acre-feet per year of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

9. LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 950 acre-feet of water for municipal purposes.

10. Pine River ID, Pine River Project, Colorado: Contract to allow the district to convert project irrigation water to municipal, domestic, and industrial uses.

11. City of Page, Arizona, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

12. El Paso County Water Improvement District No. 1 and Isleta del Sur Pueblo, Rio Grande Project, Texas: Contract to convert up to 1,000 acre-feet of the Pueblo's project irrigation water to use for traditional and religious purposes.

13. Carlsbad ID and the NMISC, Carlsbad Project, New Mexico: Contract to convert irrigation water appurtenant to up to 6,000 acres of land within the project for use by the NMISC for delivery to Texas to meet New Mexico's Pecos River Compact obligation.

14. O&M contractor, Animas-La Plata Project, Colorado and New Mexico: Contract to transfer the operation, maintenance, and replacement responsibilities of most project facilities to the contractor, pursuant to Section 6 of the Reclamation Act of June 17, 1902, and other Reclamation laws.

15. Project Operations Committee, Animas-La Plata Project, Colorado and New Mexico: Agreement among the United States, the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, the Navajo Nation, the San Juan Water Commission, the Animas-La Plata Water Conservancy District, the State of Colorado, and the La Plata Conservancy District of New Mexico to coordinate and oversee the necessary operation, maintenance, and replacement activities of the project works.

16. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado and New Mexico: Water delivery contract for 33,519 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

17. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Water delivery contract for 33,519 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

18. Navajo Nation, Animas-La Plata Project, Colorado and New Mexico: Water delivery contract for 4,680 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute

Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

19. Various contractors including the Town of Mancos and the Mancos Rural Water Company, Mancos Project, Colorado: Small or short-term contracts to carry nonproject water through project facilities for municipal purposes under authority of Public Law 106–549.

20. State of Colorado, Animas-La Plata Project, Colorado and New Mexico: Cost-sharing/repayment contract for up to 10,440 acre-feet per year of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

21. Carlsbad ID and the NMISC, Carlsbad Project, New Mexico: Contract for storage and delivery of water produced by the NMISC's River Augmentation Program, among Reclamation, Carlsbad ID, and the NMISC. This will allow for storage of NMISC water in project facilities resulting in additional project water supply.

22. Public Service Company of New Mexico, Reclamation, and the U.S. Fish and Wildlife Service; San Juan River Basin Recovery Implementation Program: The agreement identifies that Reclamation may provide cost-share funding for the recovery monitoring and research, and O&M (October 30, 2000, 114 Stat. 1602, Pub. L. 106–392) of the constructed fish passage at the Public Service Company's site.

23. The Grand Valley Water Users Association, Reclamation, and the U.S. Fish and Wildlife Service: Construction and O&M of a fish passage and fish screen facilities at the Grand Valley Diversion Dam and Government Highline Canal facilities to facilitate recovery of endangered fish species in the Colorado River Basin (October 30, 2000, 114 Stat. 1602, Pub. L. 106–392).

24. Mancos Rural Water Company, Mancos Project, Colorado: Contract to allow the Mancos Rural Water Company to convert an additional 300 acre-feet of project irrigation water to municipal, domestic, and industrial uses.

25. Carbon Water Conservancy District, Scofield Project, Utah: Contract providing for the district to repay to the United States 15 percent of the cost of SOD modifications to the spillway at Scofield Dam.

26. Weber River Water Users Association, Weber River Project, Utah: Contract providing for the association to repay to the United States 15 percent of the cost of SOD modifications at Echo Dam.

27. Central Utah Project, Utah: Petition for project water among the United States, the Central Utah Water Conservancy District, and the Duchesne County Water Conservancy District for use of 2,500 acre-feet of irrigation water from the Bonneville Unit of the Central Utah Project.

28. San Juan-Chama Project, Albuquerque Area Office: Proposed conversion of six water service contracts to repayment contracts. Contractors requesting such conversions are the City of Santa Fe, Santa Fe County, County of Los Alamos, City of Espanola, Town of Taos, Village of Taos Ski Valley, and Town of Los Lunas.

29. North Fork Water Conservancy District and Ragged Mountain Water Users Association, Paonia Project, Colorado: The district and the association have requested a contract for supplemental water from the Paonia Project. Their existing contract expired on December 31, 2005. This contract will include irrigation and municipal uses.

30. Navajo Nation, San Juan River Dineh Water Users, Reclamation, and the U.S. Fish and Wildlife Service; San Juan River Basin Recovery Implementation Program: The agreement identifies that Reclamation may provide cost-share funding for the recovery monitoring and research, and O&M (October 30, 2000, 114 Stat. 1602, Pub. L. 106–392) of the constructed fish passage at the Hogback Diversion Dam.

The following action has been completed since the last publication of this notice on November 2, 2005:

1. (33) West Divide Water Conservancy District: The West Divide Water Conservancy District and the Silt Water Conservancy District have requested a nonproject irrigation carriage contract (40-year) to have 2 cfs of their direct flow irrigation water rights diverted into and delivered through, existing Silt pump canal, a feature of the Silt Project delivery structures. Contract was executed on November 2, 2005.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7752.

1. Individual irrigators, M&I, and miscellaneous water users; Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Temporary (interim) water service contracts for the sale, conveyance, storage, and exchange of surplus project water and nonproject water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term of up to 1 year.

2. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contracts for sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

3. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round water sales from the regulatory capacity of Ruedi Reservoir. Water service and repayment contracts for up to 17,000 acre-feet annually for M&I use.

4. Garrison Diversion Unit, P–SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Dakota Water Resources Act of 2000; negotiation of repayment contracts with irrigators and M&I users.

5. City of Rapid City, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for storage capacity in Pactola Reservoir. A temporary (1 year not to exceed 10,000 acre-feet) water service contract has been executed with the City of Rapid City, Rapid Valley Unit, for use of water from Pactola Reservoir. A long-term storage contract is being negotiated for water stored in Pactola Reservoir. Legislation is pending for change in the authorized use of Pactola Reservoir storage.

6. Mid-Dakota Rural Water System, Inc., South Dakota: Pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, the Secretary of the Interior is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a non-profit corporation for the planning and construction of a rural water supply system.

7. City of Berthoud, Colorado-Big Thompson Project, Colorado: Long-term contract for conveyance of nonproject M&I water through Colorado-Big Thompson Project facilities.

8. City of Cheyenne, Kendrick Project, Wyoming: Negotiate a long-term contract for storage space for replacement water on a daily basis in Seminoe Reservoir. A temporary contract has been issued pending negotiation of the long-term contract.

9. Highland-Hanover ID, Hanover-Bluff Unit, P–SMBP, Wyoming: Negotiate long-term water service contract; includes provisions for repayment of construction costs.

10. Upper Bluff ID, Hanover-Bluff Unit, P–SMBP, Wyoming: Negotiate long-term water service contract; includes provisions for repayment of construction cost.

11. Fort Clark ID, P–SMBP, North Dakota: Negotiation of water service contract to continue delivery of project water to the district.

12. Dickinson-Heart River Mutual Aid Corporation, Dickinson Unit, P–SMBP, North Dakota: Negotiate renewal of

water service contract for irrigation of lands below Dickinson Dam in western North Dakota.

13. Savage ID, P–SMBP, Montana: The district is currently seeking title transfer. The contract is subject to renewal pending outcome of the title transfer process. A 5-year interim contract has been executed to ensure a continuous water supply.

14. City of Fort Collins, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance and storage of nonproject M&I water through Colorado-Big Thompson Project facilities.

15. Standing Rock Sioux Tribe, P–SMBP, North Dakota: Negotiate a long-term water service contract with the Standing Rock Sioux Tribe in North Dakota for irrigation of up to 2,380 acres of land within the reservation.

16. Glendo Unit, P–SMBP, Wyoming: Amendments to long-term water service contracts with Burbank Ditch, New Grattan Ditch Company, Torrington ID, Lucerne Canal and Power Company, and Wright and Murphy Ditch Company.

17. Glendo Unit, P–SMBP, Nebraska: Amendments to long-term water service contracts with Bridgeport, Enterprise, and Mitchell IDs, and Central Nebraska Public Power and ID.

18. Dickinson Parks and Recreation District, Dickinson Unit, P–SMBP, North Dakota: A temporary contract has been negotiated with the district for minor amounts of water from Dickinson Reservoir. Negotiate a long-term water service contract for minor amounts of water from Dickinson Dam.

19. Clark Canyon Water Supply Company, East Bench Unit, P–SMBP, Montana: Initiating renewal of contract No. 14–06–600–3592 which expired December 31, 2005. Current contract may be amended to extend the term not to exceed an additional 2 years pursuant to Section 208 of the 2005 Consolidated Appropriations Act if necessary and agreed to by both parties.

20. East Bench ID, East Bench Unit, P–SMBP, Montana: Initiating renewal of contract No. 14–06–600–3593 which expired December 31, 2005. Current contract may be amended to extend the term not to exceed an additional 2 years pursuant to Section 208 of the 2005 Consolidated Appropriations Act if necessary and agreed to by both parties.

21. Canadian River Municipal Water Authority, Lake Meredith Salinity Control Project, New Mexico and Texas: Negotiation of a contract for the transfer of control (care and O&M) of the project to the Authority in accordance with Public Law 102–575, Title VIII, Section 804(c).

22. Fryingpan-Arkansas Project, Colorado: Consideration of excess capacity contracts in the Fryingpan-Arkansas Project.

23. Fryingpan-Arkansas Project, Colorado: Consideration of requests for long-term contracts for the use of excess capacity in the Fryingpan-Arkansas Project from the Southeastern Colorado Water Conservancy District, the City of Aurora, and the Colorado Springs Utilities.

24. Individual irrigators, Heart Butte Unit, P–SMBP, North Dakota: Renew long-term water service contracts for minor amounts of less than 1,000 acre-feet of irrigation water annually from the Heart River below Heart Butte Dam.

25. Municipal Subdistrict of the Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Consideration of a new long-term contract or amendment of contract No. 4–07–70–W0107 with the Municipal Subdistrict and the Northern Colorado Water Conservancy District for the proposed Windy Gap Firming Project.

26. Northern Integrated Supply Project, Colorado-Big Thompson Project, Colorado: Consideration of a new long-term contract with approximately 14 regional water suppliers and the Northern Colorado Water Conservancy District for the Northern Integrated Supply Project.

27. Hill County WD, Milk River Project, Montana: Initiating renewal of municipal water supply contract No. 14–06–600–8954 which expires August 1, 2006. The proposal includes splitting the contract between Hill County WD and North Havre County WD which both receive their full water supply under the current contract.

28. Stutsman County Park Board, Jamestown Unit, P–SMBP, North Dakota: The Board is requesting a contract for minor amounts of water under a long-term contract to serve domestic needs for cabin owners at Jamestown Reservoir, North Dakota.

29. Garrison Diversion Unit, P–SMBP, North Dakota: Contracts to provide for project use pumping power or project use pumping power and supplemental irrigation water with various irrigation districts in North Dakota, covering a combined maximum 28,000 acres within the boundaries and limits set by the Dakota Water Resources Act of 2000.

30. Security Water and Sanitation District, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project.

31. City of Fountain, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project.

32. Colorado Springs Utilities, Colorado-Big Thompson Project, Colorado Springs, Colorado: Consideration of a request for a long-term agreement for water substitution and power interference in the Colorado-Big Thompson Project.

33. Pueblo West Metropolitan District, Pueblo West, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a 5- to 10-year contract for the use of excess capacity in the Fryingpan-Arkansas Project.

34. LeClair ID, Boysen Unit, P–SMBP, Wyoming: Contract renewal of long-term water service contract.

35. Riverton Valley ID, Boysen Unit, P–SMBP, Wyoming: Contract renewal of long-term water service contract.

36. Buford-Trenton ID, Buford-Trenton Project, P–SMBP, North Dakota: Enter into a new repayment contract and power contract for additional project use pumping power for project purposes in irrigating bench lands existing within the district.

37. ExxonMobil Corporation, Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Consideration of ExxonMobil Corporation's request to amend its Ruedi Round I contract to include additional uses for the water.

38. Ainsworth ID, Ainsworth Unit, Sandhills Division, P–SMBP, Ainsworth, Nebraska: Contract renewal for a long-term water service contract.

39. Pueblo West Metropolitan District, Pueblo West, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project.

40. Mark H. Allredge, H.S. Properties LLC (Individual); Boysen Unit, P–SMBP; Wyoming: Renewal of long-term water service contract for up to 84 acre-feet of supplemental irrigation water to serve 84 acres.

41. Individual developer with Angostura Unit, P–SMBP, South Dakota: Negotiate M&I water service contract with developer for up to ten, 10-acre tracts of land within the Angostura ID.

42. City of Golden, Colorado-Big Thompson Project, Colorado: Consideration of a request for a long-term agreement for power interference in the Colorado-Big Thompson Project.

The following actions have been completed since the last publication of this notice on November 2, 2005:

1. (50) Kansas-Bostwick ID No. 2, Courtland Unit, Bostwick Division, P–SMBP, Courtland, Kansas: The district requested a deferment of its 2005

construction obligations in accordance with the Act of September 21, 1959. Contract amendment executed December 9, 2005.

2. (51) Bostwick ID, Superior-Courtland and Franklin Units, Bostwick Division, P–SMBP, Red Cloud, Nebraska: The district requested a deferment of its 2005 construction obligations in accordance with the Act of September 21, 1959. Contract amendment executed December 13, 2005.

3. (52) Kirwin ID No. 1, Kirwin Unit, Solomon Division, P–SMBP, Gaylord, Kansas: The district requested a deferment of its 2005 construction obligation in accordance with the Act of September 21, 1959. Contract amendment executed December 13, 2005.

4. (53) Webster ID, Webster Unit, Solomon Division, P–SMBP, Gaylord, Kansas: The district requested a deferment of its 2005 construction obligations in accordance with the Act of September 21, 1959. Contract amendment executed December 13, 2005.

5. (59) Nancy Ray, Lower Marias Unit, P–SMBP, Montana: Initiating a long-term contract for up to 144 acre-feet of storage water from Tiber Reservoir to irrigate 72 acres. The current contract expired December 31, 2005. Contract was executed November 15, 2005.

Dated: January 9, 2005.

Roseann Gonzales,

Director, Office of Program and Policy Services.

[FR Doc. E6–2569 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

San Luis Unit Long-Term Contract Renewal

AGENCY: Bureau of Reclamation, Interior.

ACTION: Release of Draft Supplemental Information to the Draft Environmental Impact Statement (DEIS) for 45-day public review.

SUMMARY: The Bureau of Reclamation (Reclamation) is releasing Draft Supplemental Information to the DEIS for San Luis Unit Long-Term Contract Renewal. The notice of availability of the DEIS was published in the **Federal Register** on September 30, 2005 (70 FR 57324). The public comment period on the DEIS was originally to end on November 21, 2005. A notice to extend the comment period to January 17, 2006 was published in the **Federal Register** on December 6, 2005 (70 FR 72652). A second notice to extend the comment period to April 3, 2006 and to announce the preparation of the Supplemental Information was published in the **Federal Register** on January 24, 2006 (71 FR 3885).

DATES: Submit comments on the Draft Supplemental Information and the DEIS on or before April 10, 2006.

ADDRESSES: Send comments on the Draft Supplemental Information and the DEIS to Mr. Shane Hunt, Bureau of Reclamation, South-Central California Area Office, 1243 N Street, Fresno, CA 93721. Comments may also be emailed to *shunt@mp.usbr.gov.* The Supplemental Information and the DEIS is available on the Web at: *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=63.* Copies of the Supplemental Information and the DEIS may be requested by calling Mr. Hunt at 559–487–5138, TDD 559–487–5933.

FOR FURTHER INFORMATION CONTACT: Mr. Shane Hunt at 559–487–5138, TDD 559–487 5933.

SUPPLEMENTARY INFORMATION: Reclamation has prepared Supplemental Information to address issues and concerns that have been identified following the preparation of the DEIS. The Supplemental Information will be available for a 45-day review period. The public and agencies can review this information concurrently with the DEIS released on September 30, 2005, and may provide comments on the DEIS and the supplemental information in a single response. The final environmental impact statement will consider and contain responses to all substantive comments received on the DEIS and supplement. Submit comments on the Supplemental Information and the DEIS on or before April 10, 2006.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Frank Michny,

Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. E6–2543 Filed 2–22–06; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Certificate of Compliance With 18 U.S.C. 922(g)(5)(B).

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) 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 234, page 72851 on December 7, 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 March 27, 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) *Title of the Form/Collection:* Certificate of Compliance With 18 U.S.C. 922(g)(5)(B).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* ATF F 5330.20. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. Abstract: The law of 18 U.S.C. 922(g)(5)(B) makes it unlawful for any nonimmigrant alien to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has shipped or transported in interstate or foreign commerce. ATF F 5330.20 is for the purpose of ensuring that nonimmigrant aliens certify their compliance according to the law at 18 U.S.C. 922(g)(5)(B).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 3,000 respondents, who will complete the form within approximately 3 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 150 total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: February 17, 2006.

Brenda E. Dyer,

Department Clearance Officer, United States Department of Justice.

[FR Doc. E6–2549 Filed 2–22–06; 8:45 am]

BILLING CODE 4410–FY–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for New Information Collections; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). NCUA has requested emergency processing by February 28, 2006. This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until February 28, 2006.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–NEW.

Form Number: None.

Type of Review: New collection.

Title: Member Service Survey.

Description: Data collection intended to provide information about the types of services federal credit unions provide and the economic status and financial needs of the members receiving those services.

Respondents: Federal credit unions.

Estimated No. of Respondents/ Recordkeepers: 481.

Estimated Burden Hours Per Response: 1 hour.

Frequency of Response: Reporting and on occasion.

Estimated Total Annual Burden Hours: 481.

Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on February 15, 2006.

Mary Rupp,

Secretary of the Board.

[FR Doc. E6–2527 Filed 2–22–06; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Michael McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* March 3, 2006.

Time: 9 a.m. to 5 p.m.

Room: 315.

Program: This meeting will review applications for Stabilization II, submitted to the Division of Preservation and Access at the October 1, 2005 deadline.

2. *Date:* March 7, 2006.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Stabilization III, submitted to the Division of Preservation and Access at the October 1, 2005 deadline.

3. *Date:* March 10, 2006.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Stabilization IV, submitted to the Division of Preservation and Access at the October 1, 2005 deadline.

4. *Date:* March 31, 2006.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Special Projects, submitted to the Division of Public Programs at the February 6, 2006 deadline.

Michael McDonald,
Advisory Committee Management Officer.
[FR Doc. E6–2512 Filed 2–22–06; 8:45 am]
BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 2–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

DATES: The meeting will be held Monday, March 6, 2006, at 9 a.m.–2 p.m.

ADDRESSES: The meeting will be held in Room 507 at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Michael McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The purpose of the meeting of this Humanities Panel is to collect advice regarding humanities programming involving technology and digitization, and to plan future activities of the Endowment, pursuant to the National Foundation on the Arts and the Humanities Act of 1965, as amended. The meeting is open to the public. A 10-minute time slot is reserved for public comments at the end of the meeting.

Michael McDonald,
Advisory Committee Management Officer.
[FR Doc. E6–2572 Filed 2–22–06; 8:45 am]
BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

Nuclear Management Company, LLC; Palisades Nuclear Plant; Notice of Availability of the Draft Supplement 27 to the Generic Environmental Impact Statement and Public Meeting for the License Renewal of Palisades Nuclear Plant

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has published a draft plant-specific supplement to the ''Generic Environmental Impact Statement (GEIS), NUREG–1437,'' regarding the renewal of operating license DPR–20 for the Palisades Nuclear Plant (PNP) for an additional 20 years of operation. Palisades is located on the eastern shore of Lake Michigan in Covert Township on the western side of Van Buren County, Michigan, approximately 4.5 miles south of the city limits of South Haven, Michigan. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The draft Supplement 27 to the GEIS is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC's Web site at *http://www.nrc.gov/reading-rm/adams.html*. The ADAMS accession number for draft Supplement 27 to the GEIS is ML060400430. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. In addition, the South Haven Memorial Library, 314 Broadway Street, South Haven, MI has agreed to make the draft supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be certain of consideration, comments on the draft supplement to the GEIS and the proposed action must be received by May 18, 2006. Comments received after the due date will be considered if it is practical to do so, but the NRC staff is able to assure consideration only for comments received on or before this date. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Room T–6D59, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Electronic comments may be submitted to the NRC by e-mail at *PalisadesEIS@nrc.gov*. All comments received by the Commission, including those made by Federal, State, local agencies, Native American Tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland, and from the PARS component of ADAMS.

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held on April 5, 2006, at the Lake Michigan College, 125 Veterans Boulevard, South Haven, Michigan. There will be two sessions to accommodate interested parties. The first session will commence at 1:30 p.m. and will continue until 4:30 p.m. The second session will commence at 7 p.m. and will continue until 10 p.m. Both meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed below. Persons may pre-register to attend or

present oral comments at the meeting by contacting Mr. Bo M. Pham, by telephone at 1–800–368–5642, extension 8450, or by e-mail at *PalisadesEIS@nrc.gov* no later than March 28, 2006. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual, oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Pham's attention no later than March 28, 2006, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION, CONTACT: Mr. Bo M. Pham, Environmental Branch B, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Mr. Pham may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 14th day of February, 2006.

For the Nuclear Regulatory Commission.

Frank P. Gillespie,

Director, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. E6–2589 Filed 2–22–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 8, 2006, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, March 8, 2006, 2 p.m.–3:30 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Sam Duraiswamy (telephone: 301–415–7364) between 7:30 a.m. and 4:15 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: February 15, 2006.

Michael R. Snodderly,

Acting Branch Chief, ACRS/ACNW.

[FR Doc. E6–2556 Filed 2–22–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Meeting of the Subcommittee on Early Site Permits; Notice of Meeting

The ACRS Subcommittee on Early Site Permits will hold a meeting on March 8, 2006, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, March 8, 2006—8:30 a.m. until 1 p.m.

The Subcommittee will review the application for an early site permit for the Clinton site, and the associated NRC staff's Final Safety Evaluation Report. The Subcommittee will focus on the applicant's performance-based seismic hazard analysis methodology. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Exelon Generation Company, LLC, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Michael R. Snodderly (telephone 301/415–6927) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: February 15, 2006.

Michael R. Snodderly,

Acting Branch Chief, ACRS/ACNW.

[FR Doc. E6–2588 Filed 2–22–06; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 12f–3; SEC File No. 270–141; OMB Control No. 3235–0249.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collection of information discussed below.

- Termination or suspension of unlisted trading privileges.

Rule 12f–3 under the Securities Exchange Act of 1934 (the ''Rule''), which was originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Act, as modified in 1995, prescribes the information which must be included in applications for and notices of termination or suspension of unlisted trading privileges for a security as contemplated in Section 12(f)(4) of the Act. An application must provide, among other things, the name of the applicant; a brief statement of the applicant's interest in the question of termination or suspension of such unlisted trading privileges; the title of the security; the name of the issuer; certain information regarding the size of the class of security and its recent trading history; and a statement

indicating that the applicant has provided a copy of such application to the exchange from which suspension or termination of unlisted trading privileges are sought, and to any other exchange on which the security is listed or admitted to unlisted trading privileges.

The information required to be included in applications submitted pursuant to Rule 12f–3, is intended to provide the Commission with sufficient information to make the necessary findings under the Act to terminate or suspend by order the unlisted trading privileges granted a security on a national securities exchange. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

The burden of complying with Rule 12f–3 arises when a potential respondent, having a demonstrable bona fide interest in the question of termination or suspension of the unlisted trading privileges of a security, determines to seek such termination or suspension. The staff estimates that each such application to terminate or suspend unlisted trading privileges requires approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as ten responses annually and that each respondent's related cost of compliance with Rule 12f–3 would be $53.55, or, the cost of one hour of professional work needed to complete the application. The total annual related reporting costs for all potential respondents, therefore, is $535.50 (10 responses × $53.55/response).

Compliance with the application requirements of Rule 12f–3 is mandatory, though the filing of such applications is undertaken voluntarily. Rule 12f–3 does not have a record retention requirement *per se.* However, responses made pursuant to Rule 12f–3 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12f–3 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (1) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to Office of Management and Budget within 30 days of this notice.

Dated: February 16, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–1666 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 12f–1; SEC File No. 270–139; OMB Control No. 3235–0128.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collection of information discussed below.

• Applications for permission to reinstate unlisted trading privileges.

Rule 12f–1 under the Securities Exchange Act of 1934 (the ''Rule''), originally adopted in 1934 pursuant to Section 12(f) and 23(a) of the Act and as modified in 1995, sets forth the information which an exchange must include in an application to reinstate its ability to extend unlisted trading privileges to any security for which such unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. An application must provide the name of the issuer, the title of the security, the name of each national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether the transaction information concerning such security is reported pursuant to an effective transaction reporting plan contemplated by Rule 601 under the Act, the date of the Commission's suspension of unlisted trading privileges in the security on the exchange, and any other pertinent information. Rule 12f–1 further requires a national securities exchange seeking to reinstate its ability to extend unlisted trading privileges to a security to indicate that it has provided a copy of such application to the issuer of the security, as well as to any other national securities exchange on which the security is listed or admitted to unlisted trading privileges.

The information required by Rule 12f–1 enables the Commission to make the necessary findings under the Act prior to granting applications to reinstate unlisted trading privileges. This information is also made available to members of the public who may wish to comment upon the applications. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

There are currently eight national securities exchange subject to Rule 12f–1. The burden of complying with Rule 12f–1 arises when a potential respondent seeks to reinstate its ability to extend unlisted trading privileges to any security for which unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. The staff estimates that each application would require approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as eight responses annually and that each respondent's related cost of compliance with Rule 12f–1 would be $53.55, or, the cost of one hour of professional work needed to complete the application. The total annual related reporting cost for all potential respondents, therefore, is $428.40 (8 responses × $53.55/response).

Compliance with Rule 12f–1 is mandatory. Rule 12f–1 does not have a record retention requirement *per se.* However, responses made pursuant to Rule 12f–1 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12f–1 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange

Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to Office of Management and Budget within 30 days of this notice.

Dated: February 15, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–1667 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:
Regulation FD; OMB Control No. 3235–0536; SEC File No. 270–475.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation FD—Other Disclosure Materials requires public disclosure of material information from issuers of publicly traded securities so that investors have current information upon which to base investment decisions. The purpose of the regulation is to require that; (1) When an issuer intentionally discloses material information, it does so through public disclosure, not selective disclosure; and (2) whenever an issuer learns that it has made a non-intentional material selective disclosure, the issuer makes prompt public disclosure of that information. Regulation FD was adopted due to a concern that the practice of selective disclosure leads to a loss of investor confidence in the integrity of our capital markets. All information is provided to the public for review. The information required is filed on occasion and is mandatory. We estimate that approximately 13,000 issuers make Regulation FD disclosures approximately five times a year for a total of 58,000 issuers make Regulation FD disclosures approximately five times a year for a total of 58,000 submissions annually, not including an estimated 7,000 issuers who file Form 8–K to comply with Regulation FD. We estimate that it takes approximately 5 hours per response (58,000 × 5 hours) for a total burden of 290,000 hours annually. The filer prepares 25% of the 290,000 annual burden hours for a total of 72,500 burden hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 16, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–1668 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:
Rule 12a–5; SEC File No. 270–85; OMB Control No. *3235–0079.*

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collection of information discussed below.

Rule 12a–5—Temporary Exemption of Substituted or Additional Securities

Section 12(a) of the Securities Exchange Act of 1934 (the ''Act'') generally makes it unlawful for any security to be traded on a national securities exchange unless such security is registered on the exchange in accordance with the provisions of the Act and the rules and regulations thereunder.

Rule 12a–5 (the ''Rule'') under the Act and Form 26 (the ''Form'') were adopted by the Commission in 1936 and 1955, respectively, pursuant to Sections 3(a)(12), 10(b), and 23(a) of the Act. Subject to certain conditions, Rule 12a–5 affords a temporary exemption (generally for up to 120 days) from the registration requirements of Section 12(a) of the Act for a new security when the holders of a security admitted to trading on a national securities exchange obtain the right (by operation of law or otherwise) to acquire all or any part of a class of another or substitute security of the same or another issuer, or an additional amount of the original security. The purpose of the exemption is to avoid an interruption of exchange trading to afford time for the issuer of the new security to list and register it, or for the exchange to apply for unlisted trading privileges.

Under paragraph (d) of Rule 12a–5, after an exchange has taken action to admit any security to trading pursuant to the provisions of the Rule, the exchange is required to file with the Commission a notification on Form 26. Form 26 provides the Commission with certain information regarding a security admitted to trading on an exchange pursuant to Rule 12a–5, including: (1) The name of the exchange, (2) the name of the issuer, (3) a description of the security, (4) the date(s) on which the security was or will be admitted to when-issued and/or regular trading, and (5) a brief description of the transaction pursuant to which the security was or will be issued.

The Commission generally oversees the national securities exchanges. This mission requires that, under Section 12(a) of the Act specifically, the Commission receive notification of any securities that are permitted to trade on an exchange pursuant to the temporary exemption under Rule 12a–5. Without the Rule and the Form, the Commission would be unable fully to implement these statutory responsibilities.

There are currently eight national securities exchanges subject to Rule 12a–5. While the Commission staff estimates that there could be as many as 40 Forms 26 filed annually, the

reporting burdens are not typically spread evenly among the exchanges.[1] For purposes of this analysis of burden, however, the staff has assumed that each exchange files an equal number (five) of Form 26 notifications. Each notification requires approximately 20 minutes to complete. Each respondent's compliance burden, then, in a given year would be approximately 100 minutes (20 minutes/report × 5 reports = 100 minutes), which translates to just over 13 hours in the aggregate for all respondents (8 respondents × 100 minutes/respondent = 800 minutes, or 13⅓ hours).

Based on the most recent available information, the Commission staff estimates that the cost to respondents of completing a notification on Form 26 is, on average, $14.35 per response. The staff estimates that the total annual related reporting cost per respondent is $71.75 (5 responses/respondent × $14.35 cost/response), for a total annual related cost to all respondents of $574 ($71.75 cost/respondent × 8 respondents).

Compliance with Rule 12a–5 is required to obtain the benefit of the temporary exemption from registration offered by the Rule. Rule 12a–5 does not have a record retention requirement *per se*. However, responses made pursuant to Rule 12a–5 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12a–5 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549. Comments must be submitted to Office of Management and Budget within 30 days of this notice.

[1] In fact, some exchanges do not file any notifications on Form 26 with the Commission in a given year.

Dated: February 15, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2533 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–27224; 812–12969]

John Hancock Capital Series, *et al.*; Notice of Application

February 15, 2006.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

Summary of Application: The applicants request an order that would permit (a) certain registered management investment companies and certain entities that are excluded from the definition of investment company under section 3(c)(1), 3(c)(7) or 3(c)(11) of the Act to invest uninvested cash and cash collateral in (i) affiliated money market funds and/or short-term bond funds or (ii) one or more affiliated entities that operate as cash management investment vehicles and that are excluded from the definition of investment company under section 3(c)(1) or 3(c)(7) of the Act, and (b) the registered management investment companies and certain affiliated entities to engage in purchase and sale transactions involving portfolio securities in reliance on rule 17a–7 under the Act.

Applicants: John Hancock Capital Series, John Hancock Declaration Trust, John Hancock Equity Trust, John Hancock Income Securities Trust, John Hancock Investment Trust II, John Hancock Investment Trust III, John Hancock Investors Trust, John Hancock Sovereign Bond Fund, John Hancock Strategic Series, John Hancock Tax-Exempt Series Fund, John Hancock World Fund, John Hancock Bank and Thrift Opportunity Fund, John Hancock Bond Trust, John Hancock California Tax-Free Income Fund, John Hancock Current Interest, John Hancock Institutional Series Trust, John Hancock Investment Trust, John Hancock Patriot Global Dividend Fund, John Hancock Patriot Preferred Dividend Fund, John Hancock Patriot Premium Dividend Fund, John Hancock Patriot Premium Dividend Fund II, John Hancock Patriot Select Dividend Trust, John Hancock Preferred Income Fund, John Hancock Preferred Income Fund II, John Hancock Series Trust, John Hancock Tax-Free Bond Trust, John Hancock Financial Trends Fund, Inc. (each, an ''Investment Company'' and collectively, the ''Investment Companies''), and John Hancock Advisers, LLC (together with any entity controlling, controlled by or under common control with John Hancock Advisers, LLC, ''JHA'').

Filing Dates: The application was filed on April 24, 2003, and amended on February 7, 2006.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 13, 2006, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F St., NE., Washington, DC 20549–1090. Applicants, c/o David C. Phelan, Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109.

FOR FURTHER INFORMATION CONTACT: Nadya B. Roytblat, Assistant Director, at (202) 551–6821 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 100 F Street, NE., Washington, DC 20549–0102 (tel. 202–551–5850).

Applicants' Representations

1. Each Investment Company is organized as a Massachusetts business trust or a Maryland corporation and is registered under the Act as an open-end or closed-end management investment company. Each Fund, as defined below, that is a series of an Investment Company has separate investment objectives, policies, and assets. JHA is

an investment adviser registered under the Investment Advisers Act of 1940 and serves as investment adviser to each Investment Company.[1]

2. Each Fund that is not a money market fund (a ''Participating Fund'') has, or may be expected to have cash that has not been invested in portfolio securities (''Uninvested Cash''). Uninvested Cash may result from a variety of sources, including dividends or interest received from portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of investment securities to meet anticipated redemptions and dividend payments, and new monies received from investors. Each Fund that is a series of an Investment Company may participate in a securities lending program (''Securities Lending Program'') under which it may lend its portfolio securities to registered broker-dealers or other institutional investors deemed by JHA to be of good standing. The loans are secured by collateral, including cash (''Cash Collateral'' and together, with Uninvested Cash, ''Cash Balances''), equal at all times to at least the market value of the securities loaned. The Securities Lending Program, including the investment of Cash Collateral, will comply with all present and future applicable Commission and staff positions regarding securities lending arrangements. Currently, certain Participating Funds may be permitted to invest a portion of their assets in money market securities or other short-term obligations. Applicants state that Participating Funds either will be management investment companies registered under the Act (''Registered Participating Funds'') or trusts or other entities that are excluded from the definition of investment company under section 3(c)(1), 3(c)(7) or 3(c)(11) of the Act (the ''Non-Registered Participating Funds''). Applicants request an order to permit: (i) The Participating Funds to use their Cash Balances to purchase shares of one or more of the Funds registered under the Act as open-end management investment companies that are money market funds or short-term bond funds (the ''Registered Central Funds,'' and together with the Registered Participating Funds, the ''Registered Funds'') or shares of one or more Funds that operate as cash management investment vehicles and that are excluded from the definition of investment company pursuant to section 3(c)(1) and 3(c)(7) of the Act (the ''Non-Registered Central Funds,'' and together with the Non-Registered Participating Funds, the ''Non-Registered Funds'') (the Registered Central Funds and the Non-Registered Central Funds, collectively, the ''Central Funds''); (ii) the Central Funds to sell their shares to and purchase (redeem) such shares from the Participating Funds; and (iii) JHA to effect the transactions in (i) and (ii) above.

3. Applicants state that certain Funds currently rely on rule 17a–7 under the Act to conduct certain purchase and sale transactions (''Interfund Transactions''). Applicants seek relief to permit these Interfund Transactions to continue in the event that the Participating Funds, pursuant to the requested order, use Cash Balances to purchase shares of the Central Funds and become affiliated persons of each other or affiliated persons of the Central Funds by virtue of owning 5% or more of the outstanding voting securities of a Central Fund. Applicants also seek relief to permit in-kind Interfund Transactions in which a Participating Fund, solely in instances where the Participating Fund holds portfolio securities that would be appropriate investments for a Central Fund, invests in the Central Fund by transferring such portfolio securities to the Central Fund in exchange for shares of the Central Fund.

4. The investment by each Registered Participating Fund in shares of the Central Funds will be in accordance with that Registered Participating Fund's investment policies and restrictions as set forth in its registration statement. The Registered Central Funds are or will be open-end management investment companies registered under the Act operating either as money market funds pursuant to rule 2a–7 under the Act or short-term bond funds that seek to achieve high current income consistent with the preservation of capital by investing in fixed-income securities and maintain a dollar-weighted average maturity of three years or less. The Non-Registered Central Funds will comply with rule 2a–7 under the Act.

Applicants' Legal Analysis

I. Investment of Cash Balances by the Participating Funds in the Central Funds

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act provides that no investment company may acquire securities of a registered investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's assets. Section 12(d)(1)(B) of the Act provides that a registered open-end investment company, its principal underwriter or any broker or dealer may not sell the company's securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies. Any entity that is excluded from the definition of investment company under section 3(c)(1) or 3(c)(7) of the Act is deemed to be an investment company for the purposes of the 3% limitation specified in sections 12(d)(1)(A) and (B) with respect to purchases by and sales to such entity.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors. Applicants request relief under section 12(d)(1)(J) to permit the Participating Funds to use their Cash Balances to acquire shares of the Registered Central Funds in excess of the percentage limitations in section 12(d)(1)(A), provided however, that in all cases a Registered Participating Fund's aggregate investment of Uninvested Cash in shares of the Central Funds will not exceed the greater of 25% of the Registered Participating Fund's total assets or $10 million. Applicants also request relief to permit the Registered Central Funds to sell their securities to the Participating Funds in excess of the percentage limitations in section 12(d)(1)(B).[2]

3. Applicants state that the proposed arrangement will not result in the

[1] Applicants request that any relief granted also apply to (a) any other registered management investment company or series thereof and (b) any entity excluded from the definition of investment company under section 3(c)(1), section 3(c)(7) or section 3(c)(11) of the Act, for which JHA is or in the future may serve as investment adviser or trustee exercising investment discretion (each, a ''Fund,'' and together with the Investment Companies and any existing or future series of the Investment Companies, the ''Funds''). All Funds that currently intend to rely on the requested order are named as applicants. Any other existing or future Fund will rely on the order only in accordance with the terms and conditions of the application.

[2] The references to Participating Funds in the paragraph do not include Funds relying on section 3(c)(11) of the Act.

abuses that sections 12(d)(1)(A) and (B) were intended to prevent. Applicants state that there is no threat of redemption to gain undue influence over the Registered Central Funds due to the highly liquid nature of each Registered Central Fund's portfolio. Applicants state that the proposed arrangement will not result in inappropriate layering of fees. Shares of the Central Funds sold to the Participating Funds will not be subject to a sales load, redemption fee, asset-based distribution fee, or service fee (as defined in rule 2830(b)(9) of the Conduct Rules of the National Association of Securities Dealers Inc. (''NASD Conduct Rules''). If a Central Fund offers multiple classes of shares, a Registered Participating Fund will invest in the class with the lowest expense ratio at the time of investment (after giving effect to the Registered Participating Fund's investment). Before the next meeting of the board of trustees (''Board'') of a Registered Participating Fund that invests in the Central Funds is held for the purpose of voting on an advisory contract under section 15 of the Act, JHA will provide the Board with such information as the Board, including a majority of the directors or trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), may request to evaluate the effect of the investment of Uninvested Cash in a Central Fund upon the direct and indirect compensation by the Registered Participating Funds to JHA. Applicants represent that no Central Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limitations contained in section 12(d)(1)(A) of the Act.

B. Section 17(a) of the Act

1. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the investment company. Section 2(a)(3) of the Act defines an affiliated person of another person to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person, any person 5% or more of whose outstanding securities are directly or indirectly owned, controlled, or held with power to vote by the other person, any person directly or indirectly controlling, controlled by, or under common control with the other person, and any investment adviser to an investment company. Because JHA serves as, or will serve as each Fund's investment adviser or trustee exercising investment discretion, the Funds may be deemed to be under common control and therefore affiliated persons of each other. In addition, if a Participating Fund purchases more than 5% of the voting securities of a Central Fund, the Central Fund and the Participating Fund may be affiliated persons of each other. As a result, section 17(a) would prohibit the sale of the shares of Central Funds to the Participating Funds, and the redemption of the shares by the Participating Funds.

2. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) of the Act if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt persons or transactions from any provision of the Act, if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants submit that their request for relief to permit the purchase and redemption of shares of the Central Funds by the Participating Funds is consistent with the standards in sections 6(c) and 17(b) of the Act. Applicants note that shares of the Central Funds will be purchased and redeemed at their net asset value. Applicants state that the Registered Participating Funds will retain their ability to invest Cash Balances directly in money market instruments and other short-term obligations as permitted by their investment objectives and policies. Applicants state that a Registered Central Fund has the right to discontinue selling shares to any of the Participating Funds if the Registered Central Fund's Board or JHA determines that such sale would adversely affect the Registered Central Fund's portfolio management and operations.

C. Section 17(d) of the Act and Rule 17d–1 Under the Act

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates, unless the Commission has approved the joint arrangement. Applicants state that the Participating Funds and the Central Funds, by participating in the proposed transactions, and JHA, by managing the proposed transactions, could be deemed to be participating in a joint arrangement within the meaning of section 17(d) and rule 17d–1.

2. In considering whether to approve a joint transaction under rule 17d–1, the Commission considers whether the registered investment company's participation in the joint transaction is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants. Applicants state that the investment by the Registered Participating Funds in shares of the Central Funds would be on the same basis and no different from or less advantageous than that of other participants. Applicants submit that the proposed transactions meet the standards for an order under rule 17d–1.

II. Interfund Transactions

1. As noted above, section 17(a) of the Act would prohibit the purchase and sale of portfolio securities between the Funds. Rule 17a–7 under the Act provides an exemption from section 17(a) for a purchase or sale of certain securities between a registered investment company and an affiliated person (or an affiliated person of an affiliated person), provided certain conditions are met, including that the affiliation between the registered investment company and the affiliated person (or an affiliated person of the affiliated person) must exist solely by reason of the entities having a common investment adviser, common directors and/or common officers and the transaction must be for no consideration other than cash. Applicants state that the Participating Funds could become affiliated persons of each other, and affiliated persons of the Central Funds, by virtue of a Participating Fund owning 5% or more of the outstanding voting securities of a Central Fund (''5% Ownership Affiliation''). In addition, a Participating Fund may invest in a Central Fund by transferring its portfolio securities to the Central Fund in exchange for shares of the Central Fund.

2. Applicants request relief under sections 6(c) and 17(b) of the Act to permit the Interfund Transactions. The Interfund Transactions for which relief is requested are transactions between Registered Participating Funds and Non-Registered Central Funds and between

Non-Registered Participating Funds and Registered Central Funds. Applicants submit that the requested relief satisfies the standards for relief in sections 6(c) and 17(b). Applicants state that, with respect to the Participating Funds' in-kind purchases of shares of the Central Funds, the consideration paid by the Participating Funds for shares of the Central Funds will be based on the net asset value of the Central Funds. With respect to the purchase and sale of portfolio securities between the Funds, Applicants state that the price paid for the securities will be the current market price of the securities. Further, Applicants state that the Funds will comply with the requirements set forth in rule 17a–7 in all respects other than (a) the requirement that the parties to the transactions be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers that are affiliated persons of each other, common officers and/or common directors, solely because the Participating Funds and the Central Funds might become affiliated persons within the meaning of section 2(a)(3)(A) and (B) of the Act and (b) the requirement that the transactions be for no consideration other than cash, solely because certain of the Interfund Transactions may be effected in shares of a Central Fund.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Shares of the Central Funds sold to and redeemed by the Participating Funds will not be subject to a sales load, redemption fee, asset-based distribution fee under a plan adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the NASD Conduct Rules).

2. Before the next meeting of the Board of the Registered Participating Fund that invests in the Central Funds is held for the purpose of voting on an advisory contract under section 15 of the Act, JHA will provide the Board with such information as the Board may request to evaluate the effect of the investment of Uninvested Cash in the Central Funds upon the direct and indirect compensation to JHA. Such information will include specific information regarding the approximate cost to JHA of, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of the Registered Participating Fund that can be expected to be invested in the Central Funds. In connection with approving any advisory contract for a Registered Participating Fund, the Registered Participating Fund's Board, including a majority of the Independent Trustees, shall consider to what extent, if any, the advisory fees charged to the Registered Participating Fund by JHA should be reduced to account for reduced services provided to the Registered Participating Fund by JHA as a result of the Uninvested Cash being invested in the Central Funds. The minute books of the Registered Participating Fund will record fully the Board's consideration in approving the advisory contract, including the considerations relating to fees referred to above.

3. Each Registered Participating Fund will invest Uninvested Cash in, and hold shares of, the Central Funds only to the extent that the Registered Participating Fund's aggregate investment of Uninvested Cash in the Central Funds does not exceed the greater of 25% of the Registered Participating Fund's total assets or $10 million.

4. Investment by a Registered Participating Fund in shares of the Central Funds will be in accordance with each Registered Participating Fund's respective investment restrictions and will be consistent with each Registered Participating Fund's investment policies as set forth in its prospectus and statement of additional information.

5. Each Registered Participating Fund and the Registered Central Fund in which it invests shall be in the same group of investment companies as defined in section 12(d)(1)(G) of the Act. Each Non-Registered Fund that may rely on the order shall have JHA as its investment adviser or trustee exercising investment discretion.

6. No Central Fund shall acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act.

7. The Non-Registered Central Funds will comply with the requirements of sections 17(a), (d), and (e), and 18 of the Act as if the Non-Registered Central Funds were registered open-end investment companies. With respect to all redemption requests made by a Participating Fund, the Non-Registered Central Funds will comply with section 22(e) of the Act. JHA will adopt procedures designed to ensure that each Non-Registered Central Fund complies with sections 17(a), (d), and (e), 18 and 22(e) of the Act. JHA will also periodically review and update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii), and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the Commission and its staff.

8. Each Non-Registered Central Fund will comply with rule 2a–7 under the Act and will use the amortized cost method of valuation. With respect to each Non-Registered Central Fund, JHA will adopt and monitor the procedures described in rule 2a–7(c)(7) under the Act and will take such other actions as are required to be taken under those procedures. A Participating Fund may only purchase shares of a Non-Registered Central Fund if JHA determines on an ongoing basis that the Non-Registered Central Fund is in compliance with rule 2a–7. JHA will preserve for a period of not less than six years from the date of determination, the first two years in an easily accessible place, a record of such determination and the basis upon which the determination was made. This record will be subject to examination by the Commission and its staff.

9. Each Participating Fund will purchase and redeem shares of any Non-Registered Central Fund as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders of the Non-Registered Central Fund. A separate account will be established in the shareholder records of each Non-Registered Central Fund for the account of each Participating Fund that invests in such Non-Registered Central Fund.

10. To engage in Interfund Transactions, the Funds will comply with rule 17a–7 under the Act in all respects other than (a) the requirement that the parties to the transaction be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser, or investment advisers which are affiliated persons of each other, common officers, general partners, trustees, managers and/or common directors, solely because a Participating Fund and a Central Fund might become affiliated persons within the meaning of section 2(a)(3)(A) and (B) of the Act and (b) the requirement that the transactions be for no consideration other than cash, solely because certain of the Interfund Transactions may be effected in shares of a Central Fund.

11. Before a Registered Participating Fund may participate in the Securities Lending Program, a majority of the Board (including a majority of the Independent Trustees) will approve the Registered Participating Fund's participation in the Securities Lending Program. No less frequently than annually, the Board also will evaluate, with respect to each Registered Participating Fund, any securities lending arrangement and its results and determine that any investment of Cash Collateral in the Central Funds is in the best interests of the Registered Participating Fund.

12. The Board of each Registered Participating Fund will satisfy the fund governance standards as defined in rule 0–1(a)(7) under the Act by the compliance date for the rule.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2534 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53319; File No. SR–Amex–2006–13]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Deadline for Implementation of the ANTE System

February 15, 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 February 6, 2006, the American Stock Exchange LLC (''Exchange'' or ''Amex'') 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 Exchange. Amex has designated this proposal as non-controversial under Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 900—ANTE to extend the deadline for implementation of the Amex New Trading Environment trading platform (the ''ANTE System'' or ''ANTE'') for all option classes from December 31, 2005, to June 30, 2006. The text of the proposed rule change is available on Amex's Web site (*http://www.amex.com*), at Amex's principal office, 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 and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 20, 2004, the Commission approved Amex's proposal to implement a new options trading platform known as ANTE.[5] On May 25, 2004, Amex began rolling out the ANTE System on its trading floor on a specialist's post-by-specialist's post basis. At that time it was anticipated the roll-out would be completed by the end of the second quarter of 2005. The implementation date for the full roll-out of the ANTE System was subsequently extended to December 31, 2005.[6] Amex has rolled out the ANTE System to all its option classes except one—the Nasdaq 100 Index (''NDX''). NDX has the largest notional value of any option class, with average option premiums of $40. The specialist for this product is concerned that the theoretical price calculator provided by the ANTE System may not accurately price the options on this index. The specialist has installed its own theoretical index price calculator, which currently calculates prices for the firm's other options products, including the Mini Nasdaq Index (MNX), an index valued at one-tenth the value of NDX. The specialist for NDX has sought more time to gain experience using its proprietary price calculator before it moves NDX onto the ANTE System. The Exchange expects that NDX will be moved onto the ANTE System by June 30, 2006.

Amex is now proposing to revise its implementation schedule to provide that all option classes traded by the Exchange will be on the ANTE System by June 30, 2006. Maintaining two platforms for options trading—the legacy systems (AODB, the Amex Options Display Book; XTOPS, Amex's theoretical price calculator; and Auto-Ex) and ANTE—is costly. In a separate filing submitted February 6, 2006, for immediate effectiveness pursuant to Section 19(b)(3)(A)(ii) of the Act,[7] the Exchange is proposing to impose a Technology Assessment Fee on members for the continued use of its legacy options trading systems.[8] The intent of this assessment is to recover some of the costs incurred for maintaining the legacy systems and to provide an additional incentive to the NDX specialist to transition NDX to the ANTE System as soon as possible.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[9] in general and furthers the objectives of Section 6(b)(5)[10] in particular in that it 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; and is not designed to permit unfair discrimination between customers, issuers, brokers, and dealers.

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

[5] *See* Securities Exchange Act Release No. 49747, 69 FR 30344 (May 27, 2004) (File No. SR–Amex–2003–89).

[6] *See* Securities Exchange Act Release No. 52984 (December 20, 2005), 70 FR 76472 (December 27, 2005) (File No. SR–Amex–2005–123).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] *See* File No. SR–Amex–2006–12, notice of which the Commission is separately publishing for comment today (Securities Exchange Act Release No. 53318).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

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

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] thereunder because it (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change, or such shorter time as the Commission may designate.

The Exchange has requested that the Commission waive the five-day pre-filing requirement and the 30-day operative delay of Rule 19b–4(f)(6)(iii) so that the proposed rule change may become effective immediately.[13] The Commission believes that waiving the pre-filing requirement and the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission has determined to waive the pre-filing requirement and the operative delay and allow the proposed rule change to become operative immediately.[14]

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.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 19b–4(f)(6).

[13] The Exchange gave the Commission written notice of its intent to file the proposed rule change by notice on January 14, 2005.

[14] For purposes only of waiving the operative delay of this proposal, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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 No. SR–Amex–2006–13 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 20549–1090.

All submissions should refer to File Number SR–Amex–2006–13. 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 Commissions 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 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–Amex–2006–13 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–1653 Filed 2–22–06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53318; File No. SR–Amex–2006–12]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Technology Assessment Fee for the Use of Legacy Options Trading Systems

February 15, 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 February 6, 2006, the American Stock Exchange LLC (''Exchange'' or ''Amex'') 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 Exchange. Amex has designated this proposal as one establishing or changing a due, fee, or other charge imposed by Amex under section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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 adopt a Technology Assessment Fee to be assessed on its members for the continued use of legacy options trading systems. The text of the proposed rule change is available on Amex's Web site (*http://www.amex.com*), at Amex's principal office, and at the Commission's Public Reference Room.

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 20, 2004, the Commission approved the Amex's proposal to implement a new options trading platform known as the Amex New Trading Environment (the ''ANTE System'' or ''ANTE'').[5] ANTE is intended to replace the following legacy options trading systems: the Amex Options Display Book (AODB), Amex's theoretical price calculator (XTOPS), and Auto-Ex. On May 25, 2004, the Amex began rolling out the ANTE System on its trading floor on a specialist's post-by-specialist's post basis. At that time it was anticipated the roll-out would be completed by the end of the second quarter of 2005. The implementation date for the full roll-out of the ANTE System was subsequently extended to June 30, 2006.[6] Amex has rolled out the ANTE System to all its option classes except one—the Nasdaq 100 Index options (''NDX''). NDX has the largest notional value of any option class, with average premiums of $40. The specialist for this product is concerned that the theoretical price calculator provided by the ANTE System may not accurately price the options on this index. The specialist has installed its own theoretical index price calculator, which currently calculates prices for the firm's other options products, including the Mini Nasdaq Index (MNX), an index valued at one-tenth the value of NDX.

The specialist firm continues to resist moving NDX off the legacy options trading systems and onto the ANTE System as it seeks to gain experience using its proprietary price calculator. The NDX specialist is concerned about the magnitude of errors that could occur using a theoretical price calculator with NDX, given its large notional value and the size of the underlying index.

Although the Exchange is mindful of the specialist's concerns, maintaining two platforms for the trading of options—the legacy options trading systems and ANTE—is costly for the Exchange. Therefore, the Exchange is proposing to assess the specialist firm a fee to cover the Exchange's costs for maintaining its legacy options trading systems at the Securities Industry Automation Corporation (''SIAC''). The Exchange currently pays a monthly maintenance fee to SIAC of $12,000. The proposal will require the specialist firm to reimburse the Exchange for these maintenance costs until it transitions all of its options classes to the ANTE System.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act[8] in general and furthers the objectives of section 6(b)(4)[9] in particular in that it is intended to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. Specifically, the Exchange is proposing to assess the one member organization continuing to use its legacy options trading systems in order to recover its costs for maintaining these systems.

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. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(2)[11] thereunder because it establishes or changes a due, fee, or other charge imposed by the Exchange. 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 No. SR–Amex–2006–12 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 20549–1090.

All submissions should refer to File Number SR–Amex–2006–12. 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

[5] *See* Securities Exchange Act Release No. 49747, 69 FR 30344 (May 27, 2004) (File No. SR–Amex–2003–89).

[6] In a separate filing submitted February 6, 2006, for immediate effectiveness pursuant to Section 19(b)(3)(A)(iii) of the Act, 15 U.S.C. 78s(b)(3)(A)(iii), the Exchange proposed to extend the deadline for implementation of ANTE System for all option classes from December 31, 2005, to June 30, 2006. *See* File No. SR–Amex–2006–13, notice of which the Commission is separately publishing for comment today (Securities Exchange Act Release No. 53319).

[7] The Exchange expects that the NDX specialist will move NDX onto the ANTE System by June 30, 2006, the new deadline for implementation of the ANTE System. *See supra* note 6.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 19b–4(f)(2).

Room. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. 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–Amex–2006–12 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2521 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53321; File No. SR–NASD–2006–024]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Modify Pricing for Non-Members Using Nasdaq's Brut and Inet Facilities

February 15, 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 February 13, 2006, 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 and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. In addition, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to modify the pricing for non-members using Nasdaq's Brut and Inet Facilities to trade securities priced under $1.00. The filing will apply to these non-members the same pricing change that Nasdaq is instituting for members.[3] Nasdaq seeks approval to implement the proposed rule change retroactively as of February 13, 2006. The text of the proposed rule change is available on NASD's Web site (*http://www.nasd.com*), at NASD's principal office, 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 and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item III 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

Since the beginning of February, Nasdaq has observed an increase in the extent to which market participants are posting limit orders in certain securities priced under $1.00 in circumstances where the price of the posted order locks or crosses prices available on other markets or improves upon the NBBO by an extremely small amount. The alteration in market participant behavior appears to be a result of both Nasdaq's introduction of subpenny pricing in Nasdaq-listed securities priced under $1.00, as well as the dissemination of said pricing via the Securities Information Processor, and a recent Nasdaq pricing change that eliminated caps on liquidity provider rebates for these securities. As a result, it appears that certain participants are submitting orders in these low-priced securities in a manner calculated to earn liquidity provider rebates. Because Nasdaq considers this behavior detrimental to market quality, Nasdaq proposes to modify its pricing for securities priced under $1.00 to eliminate the liquidity provider credit. To offset the effect of this change on market participants engaged in legitimate trading of these securities, Nasdaq also proposes to reduce the fee to access liquidity in these stocks from the current fee of $0.0028 or $0.003 per share to a charge equal to 0.1% of the total transaction cost. Thus, in a transaction to buy 1,000 shares at $0.50, the charge to access liquidity would be $0.50. Nasdaq believes this change will also ensure that Nasdaq's pricing for low-priced securities is consistent with Rule 610(c)(2) of Regulation NMS when it takes effect later this year. Rule 610(c)(2) will limit fees for access to quotations under $1.00 to no more than 0.3% of the quotation price per share.

In SR–NASD–2006–023, Nasdaq made this change applicable to NASD members on an immediately effective basis. Nasdaq is submitting this filing to apply the changes to non-members using the Brut and Inet facilities, and also plans to submit a filing to make both the member and non-member changes retroactive to February 1, 2006.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[4] in general, and with section 15A(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. The proposed rule change applies to non-members that use Brut and Inet a fee change that is being implemented for NASD members that use the Nasdaq Facilities. Accordingly, Nasdaq believes that the proposed rule change promotes an equitable allocation of fees between members and non-members using Nasdaq's order execution facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will 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. 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:

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 53321 (February 15, 2006) (File No. SR–NASD–2006–023).

[4] 15 U.S.C. 78*o*–3.

[5] 15 U.S.C. 78*o*–3(b)(5).

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–2006–024 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 20549–1090.

All submissions should refer to File Number SR–NASD–2006–024. 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 publicly available. All submissions should refer to File Number SR–NASD–2006–024 and should be submitted on or before March 16, 2006.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a self-regulatory organization.[6] Specifically, the Commission believes that the proposed rule change is consistent with section 15A(b)(5) of the Act,[7] which requires that the rules of the self-regulatory organization provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facilities or system which it operates or controls.

The Commission notes that this proposal would retroactively modify pricing for non-NASD members using the Nasdaq Facilities that would permit the schedule for non-NASD members to mirror the schedule applicable to NASD members that became effective February 13, 2006, pursuant to SR–NASD–2006–023.

Nasdaq has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after publication of notice thereof in the **Federal Register**. The Commission notes that the proposed fees for non-NASD members are identical to those in SR–NASD–2006–023, which implemented those fees for NASD members and which became effective as of February 13, 2005. The Commission notes that this change will promote consistency in Nasdaq's fee schedule by applying the same pricing schedule with the same date of effectiveness for both NASD members and non-NASD members. Accordingly, the Commission finds good cause, pursuant to section 19(b)(2) of the Act,[8] for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NASD–2006–024) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2517 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

[6] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78*o*–3(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53320; File No. SR–NASD–2006–023]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto To Modify Pricing for NASD Members Using the Nasdaq Market Center and Nasdaq's Brut and Inet Facilities

February 15, 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 February 13, 2006, 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. On February 14, 2006, Nasdaq submitted Amendment No. 1 to the proposed rule change.[3] Nasdaq has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the self-regulatory organization under section 19(b)(3)(A)(ii) of the Act,[4] and Rule 19b–4(f)(2) thereunder,[5] 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

Nasdaq proposes to modify the pricing for NASD members using the Nasdaq Market Center and Nasdaq's Brut and Inet Facilities (''Nasdaq Facilities'') to trade securities priced under $1.00. Nasdaq states that it will implement the proposed rule change on February 13, 2006. The text of the proposed rule change, as amended, is set forth below. Proposed new language is in *italics;* proposed deletions are in [brackets].[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 made certain technical corrections to the proposed rule text.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] Changes are marked to the rule text that appears in the electronic NASD Manual found at *http://www.nasd.com.* Prior to the date when The

Continued

7010. System Services

(a)–(h) No change.

(i) Nasdaq Market Center, Brut, and Inet Order Execution and Routing.

(1) The following charges shall apply to the use of the order execution and routing services of the Nasdaq Market Center, Brut, and Inet (the ''Nasdaq Facilities'') by members for all Nasdaq-listed securities subject to the Nasdaq UTP Plan and for Exchange-Traded Funds that are not listed on Nasdaq. The term ''Exchange-Traded Funds'' shall mean Portfolio Depository Receipts, Index Fund Shares, and Trust Issued Receipts as such terms are defined in Rule 4420(i), (j), and (l), respectively.

Order Execution	
Order that accesses the Quote/Order of a market participant that does not charge an access fee to market participants accessing its Quotes/Orders through the Nasdaq Facilities:	
Charge to member entering order:	
Members with an average daily volume through the Nasdaq Facilities in all securities during the month of (i) more than 30 million shares of liquidity provided, and (ii) more than 50 million shares of liquidity accessed and/or routed.	$0.0028 per share executed (*or, in the case of executions against Quotes/Orders at less than $1.00 per share, 0.1% of the total transaction cost).*
Other members	$0.0030 per share executed (*or, in the case of executions against Quotes/Orders at less than $1.00 per share, 0.1% of the total transaction cost).*
Credit to member providing liquidity:	
Members with an average daily volume through the Nasdaq Facilities in all securities during the month of more than 30 million shares of liquidity provided.	$0.0025 per share executed (*or $0, in the case of executions against Quotes/Orders at less than $1.00 per share).*
Other members	$0.0020 per share executed (*or $0, in the case of executions against Quotes/Orders at less than $1.00 per share).*
Order that accesses the Quote/Order of a market participant that charges an access fee to market participants accessing its Quotes/Orders through the Nasdaq [Market Center]*Facilities:*	
Charge to member entering order:	
Members with an average daily volume through the Nasdaq Facilities in all securities during the month of more than 500,000 shares of liquidity provided.	$0.001 per share executed (but no more than $10,000 per month).
Other members	$0.001 per share executed.
Order Routing for Nasdaq-Listed Securities	
Any order entered by a member that is routed outside of the Nasdaq Facilities and that does not attempt to execute in the Nasdaq Facilities prior to routing.	The greater of (i) $0.004 per share executed or (ii) a pass-through of all applicable access fees charged by electronic communications networks that charge more than $0.003 per share executed.
Any other order entered by a member that is routed outside of the Nasdaq Facilities:	
Members with an average daily volume through the Nasdaq Facilities in all securities during the month of (i) more than 30 million shares of liquidity provided, and (ii) more than 50 million shares of liquidity accessed and/or routed.	The greater of (i) $0.0028 per share executed or (ii) a pass-through of all applicable access fees charged by electronic communications networks that charge more than $0.003 per share executed.
Other members	The greater of (i) $0.0030 per share executed or (ii) a pass-through of all applicable access fees charged by electronic communications networks that charge more than $0.003 per share executed.
Order Routing for Exchange-Traded Funds Not Listed on Nasdaq	
Order routed to the New York Stock Exchange (''NYSE'') through its DOT system.	See DOT fee schedule in Rule 7010(i)(6).
Any other order entered by a member that is routed outside of the Nasdaq Facilities and that does not attempt to execute in the Nasdaq Facilities prior to routing.	$0.004 per share executed.
Order routed to the American Stock Exchange (''Amex'') after attempting to execute in the Nasdaq Facilities.	$0.01 per share executed.
Order routed through the Intermarket Trading System (''ITS'') after attempting to execute in the Nasdaq Facilities.	$0.0007 per share executed.
Order routed to venues other than the NYSE and Amex after attempting to execute in the Nasdaq Facilities.	$0.0035 per share executed.

NASDAQ Stock Market LLC (''NASDAQ LLC'') commences operations, NASDAQ LLC will file a conforming change to the rules of NASDAQ LLC approved in Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10–131).

(2)–(7) No change.
(j)–(w) 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, Nasdaq included statements concerning the purpose of and basis for the proposed rule change, as amended, and discussed any comments it received on the proposed rule change, as amended. 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

Since the beginning of February, Nasdaq has observed an increase in the extent to which market participants are posting limit orders in certain securities priced under $1.00 in circumstances where the price of the posted order locks or crosses prices available on other markets or improves upon the NBBO by an extremely small amount. The alteration in market participant behavior appears to be a result of both Nasdaq's introduction of subpenny pricing in Nasdaq-listed securities priced under $1.00, as well as the dissemination of said pricing via the Securities Information Processor, and a recent Nasdaq pricing change that eliminated caps on liquidity provider rebates for these securities. As a result, it appears that certain participants are submitting orders in these low-priced securities in a manner calculated to earn liquidity provider rebates. Because Nasdaq considers this behavior detrimental to market quality, Nasdaq proposes to modify its pricing for securities priced under $1.00 to eliminate the liquidity provider credit. To offset the effect of this change on market participants engaged in legitimate trading of these securities, Nasdaq also proposes to reduce the fee to access liquidity in these stocks from the current fee of $0.0028 or $0.003 per share to a charge equal to 0.1% of the total transaction cost. Thus, in a transaction to buy 1,000 shares at $0.50, the charge to access liquidity would be $0.50. This change will also ensure that Nasdaq's pricing for low-priced securities is consistent with Rule 610(c)(2) of Regulation NMS when it takes effect later this year. Rule 610(c)(2) will limit fees for access to quotations under $1.00 to no more than 0.3% of the quotation price per share.

This filing applies to NASD members and is effective immediately. Nasdaq is also submitting a filing to apply the changes to non-members using the Brut and Inet facilities,[7] and also plans to submit a filing to make both the member and non-member changes retroactive to February 1, 2006.

2. Statutory Basis

Nasdaq believes that the proposed rule change, as amended, is consistent with the provisions of section 15A of the Act,[8] in general, and with section 15A(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. Nasdaq states that the proposed rule change, as amended, would modify Nasdaq's fees and rebates associated with Nasdaq-listed securities priced under $1.00 in order to eliminate incentives to engage in behavior with respect to such securities that has degraded market quality.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change, as amended, will 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

The foregoing rule change is subject to section 19(b)(3)(A)(ii) of the Act[10] and subparagraph (f)(2) of Rule 19b–4 thereunder[11] because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the self-regulatory organization. Accordingly, the proposal is effective upon Commission receipt of the filing. 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.[12]

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 No. SR–NASD–2006–023 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 20549–1090.

All submissions should refer to File No. SR–NASD–2006–023. 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 will also 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

[7] *See* Securities Exchange Act Release No. 53321 (February 15, 2006) (File No. SR–NASD–2006–024).

[8] 15 U.S.C. 78*o*–3.

[9] 15 U.S.C. 78*o*–3(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] For purpose of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under section 19(b)(3)(C) of the Act, the Commission considers that period to commence on February 14, 2006, the date that the NASD filed Amendment No. 1.

submissions should refer to File No. SR–NASD–2006–023 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2518 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53325; File No. SR–NASD–2006–021]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto To Extend the Time for Non-Member Broker/Dealers To Access the Brut and INET Facilities

February 16, 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 February 7, 2006, 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 and II below, which Items have been prepared by Nasdaq. On February 8, 2006, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] Nasdaq filed the proposal as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act[4] and Rule 19b–4(f)(6) thereunder,[5] which renders it effective upon filing with the Commission.[6] 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 continue to provide, through May 1, 2006, broker/dealers that are not members of NASD access to Nasdaq's Brut and INET Facilities. Nasdaq intends to implement the proposed rule change immediately. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in [brackets].

* * * * *

4901. Definitions

Unless stated otherwise, the terms described below shall have the following meaning:

(a) through (h) No Change

(i) The term ''Participant'' shall mean an NASD member that fulfills the obligations contained in Rule 4902 regarding participation in the System. Until [February 8, 2006] *May 1, 2006*, the term ''Participant'' shall also include non-NASD broker/dealers that desire to use the System and otherwise meet all other requirements for System participation.

(j) through (w) No Change

* * * * *

4952. System Participant Registration

(a) Participation in INET requires current registration with the System and is conditioned upon the Participant's initial and continuing compliance with the following requirements:

(1) through (5) No Change

(6) In addition to the above, on or before [60 days after the System becomes a facility of Nasdaq] *May 1, 2006*, all System Participants shall be members of the Association.

* * * * *

The text of the proposed rule change, as amended, is also available on Nasdaq's Internet Web site (*http://www.nasdaq.com*), at Nasdaq's principal office, 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 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. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under the current NASD rules, broker/dealers that are not members of NASD may use Nasdaq's Brut and INET systems until February 8, 2006. Nasdaq proposes to modify this provision to allow non-NASD member broker/dealers to use the Brut and INET systems through May 1, 2006. This extension is intended to allow these non-NASD member broker/dealers to have continued access to the Brut and INET systems while they take actions to become members of The Nasdaq Stock Market LLC (''Nasdaq Exchange'').[7]

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with the provisions of section 15A of the Act,[8] in general, and with section 15A(b)(6) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to 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

Nasdaq 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

Nasdaq neither solicited nor received comments on the proposal.

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 thirty days from the date on which it was filed, or such shorter time as the Commission may designate

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[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, Nasdaq revised the proposed rule text in order for it to correspond with the existing language of NASD Rule 4901.

[4] 15 U.S.C. 78s(b)(3)(A)(iii).

[5] 17 CFR 240.19b–4(f)(6).

[6] Nasdaq has asked the Commission to waive the 30-day operative delay required by Rule 19b–4(f)(6)(iii), 17 CFR 240.19b–4(f)(6)(iii). *See* discussion *infra* Section III.

[7] The Commission recently approved Nasdaq's application for one of its proposed subsidiaries, The Nasdaq Stock Market LLC, to be registered as a national securities exchange under section 6 of the Act. *See* Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10–131) (''Nasdaq Exchange Approval Order'').

[8] 15 U.S.C. 78o–3.

[9] 15 U.S.C. 78o–3(b)(6).

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 [10] and Rule 19b–4(f)(6) [11] thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to thirty days after the date of filing. Nasdaq requests that the Commission waive the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii), and designate the proposed rule change to become operative immediately to allow continued and uninterrupted access to Nasdaq's Brut and INET trading facilities for non-NASD member broker/dealers and their customers while such broker/dealers take steps to become members of the Nasdaq Exchange before it becomes operational as a national securities exchange. The Commission hereby grants the request. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow non-NASD member broker/dealers to continue to participate in Nasdaq's Brut and INET systems without interruption. The Commission notes that by May 1, 2006, all Brut and INET participants must either be NASD members or Nasdaq Exchange members, contingent on whether the Nasdaq Exchange has begun operating as a national securities exchange. In addition, the Commission notes that members of NASD, as well as broker/dealers that are currently not NASD members, will be able to apply to become a Nasdaq Exchange member during the period of transition before the Nasdaq Exchange becomes operational.[14] For these reasons, the Commission designates the proposed rule change as effective and operative immediately.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such proposed 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.[16]

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–2006–021 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 20549–1090.

All submissions should refer to File Number SR–NASD–2006–021. 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 Nasdaq. 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–2006–021 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2520 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] Pursuant to Rule 19b–4(f)(6)(iii), Nasdaq has given the Commission 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 on which Nasdaq filed the proposed rule change. *See* 17 CFR 240.19b–4(f)(6)(iii).

[13] 17 CFR 240.19b–4(f)(6).

[14] *See* Nasdaq Exchange Approval Order, 71 FR at 3554 (referring to recently approved Nasdaq Exchange Rule 1013(a)(6)).

[15] 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. *See* 15 U.S.C. 78c(f).

[16] The effective date of the original proposed rule change is February 7, 2006, and the effective date of Amendment No. 1 is February 8, 2006. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under section 19(b)(3)(C) of the Act, the Commission considers such period to commence on February 8, 2006, the date on which Nasdaq filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53317; File No. SR–NASD–2005–156]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto To Modify Fees for the use of Nasdaq's Application Programming Interface Protocol by NASD Members

February 15, 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 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. On January 27, 2006, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] Nasdaq has designated this proposal as establishing or changing a due, fee, or other charge of a self-regulatory organization, pursuant to section 19(b)(3)(A)(ii) of the Act,[4] and Rule 19b–4(f)(2) thereunder,[5] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 modified the proposal to reflect the transition of the final non-member user of the API protocol in the first week of January 2006. For purposes of calculating the 60-day abrogation period, the Commission considers the period to have commenced on January 27, 2006, the date Nasdaq filed Amendment No. 1. 15 U.S.C. 78s(b)(3)(C).

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to amend NASD Rule 7010 to modify fees for use of Nasdaq's Application Programming Interface (''API'') protocol by NASD members. Nasdaq will implement the proposed rule change on January 1, 2006.

The text of the proposed rule change is below. Proposed new language is in *italics*; proposed deletions are in brackets.

* * * * *

7000. CHARGES FOR SERVICES AND EQUIPMENT

7010. System Services

(a)–(e) No change.

(f) Access Services. The following charges are assessed by Nasdaq for connectivity to the Nasdaq Market Center (NMC) and, where indicated, to Nasdaq's Brut Facility (Brut).

(1) Legacy Nasdaq Workstation ™ Service

(A) The following charges shall apply to the receipt of Level 2 or Level 3 Nasdaq Service via equipment and communications linkages prescribed for the Nasdaq Workstation II Service:

Service Charge	$[2,035]*8,000*/month per service delivery platform (''SDP'') connected via T1 circuits. [$1,000/month per SDP connected via Digital Subscriber Line (''DSL''), plus $1,000 per DSL early termination fee if service is terminated within 60 days of installation].
Display Charge	$525/month per logon for the first 150 logons. $200/month for each additional logon.
Additional Circuit/SDP Charge	$[3,235]*8,000*/month.
PD and SDP Maintenance:	
Monthly maintenance agreement	$55/presentation device (''PD'') logon or SDP/month.
Hourly fee for maintenance provided without monthly maintenance agreement.	$195 per hour (two hour minimum), plus cost of parts.
ECN Direct Connection	$1,200 per port pair per month.

(B)—(C) No change.

[(D) DSL service (i) shall be provided solely to NASD members without API logons, (ii) shall be provided to only one SDP per location, and (iii) may not be used in connection with SDP T1 circuit connections at the same location. A subscriber with an SDP connected to Nasdaq via T1 circuits that orders DSL on or before June 1, 2004 shall not be required to pay charges under Rule 7040 for initial disconnection of T1 circuits and installation of DSL. In addition, if such a subscriber cancels DSL service within 10 business days of its first date of DSL service, the subscriber shall not be required to pay the early termination fee or charges under Rule 7040 for disconnection of DSL and reinstallation of T1 circuits.]

(2)–(4) No change.

(g)–(w) 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, Nasdaq 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. 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

As described in SR–NASD–2005–002,[6] Nasdaq is in the process of sunsetting its API protocol. Although the API protocol supports a high volume of message traffic, it requires the use of a Service Delivery Platform (''SDP''), a hardware unit located at the subscriber's premises, resulting in comparatively higher communications and infrastructure costs for firms using API. As a result, Nasdaq has developed the Nasdaq Information Exchange or ''QIX,'' a new proprietary protocol that does not require use of an SDP. Nasdaq believes that QIX offers the benefits of the API protocol but at a significantly reduced cost to its users. QIX has been available for use in production since January 2005.

For the last ten months, Nasdaq has been working with users of the API protocol to transition them to QIX and/or one of Nasdaq's other telecommunication protocols, the Financial Information Exchange (''FIX''), the Computer-to-Computer Interface (''CTCI''), or internet-based Nasdaq Workstations. Nevertheless, several users of the API are not yet ready to make their transition, and therefore Nasdaq is extending the sunset date into the first quarter of 2006. As the number of API users decreases, however, Nasdaq must spread the significant fixed costs associated with operation of the protocol over a smaller customer base. As a result, an increase in the fees associated with use of the protocol is necessary to allow Nasdaq to recoup a greater portion of its costs. Specifically, effective January 1, 2006, Nasdaq will increase the service charge assessed for each SDP from $2,035 per month to $8,000 per month. Nasdaq will also increase the additional circuit/SDP charge from $3,235 per month to $8,000 per month. As described in NASD Rule 7010(f)(1)(C), this charge is assessed when subscribers make inefficient use of their SDPs and/or the T1 circuits used to connect SDPs to Nasdaq. Nasdaq is, however, eliminating the $1,000 per month charge for SDPs connected to Nasdaq via DSL lines, because all users of such SDPs have transitioned to other access protocols.[7]

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with the provisions of section 15A of the Act,[8] in general, and sections 15A(b)(5)[9] of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. The proposed rule change will allow Nasdaq to recoup

[6] Securities Exchange Act Release No. 51170 (February 9, 2005), 70 FR 7988 (February 16, 2005).

[7] This proposed rule change applies solely to NASD members. The final non-member user of the API protocol transitioned away from the protocol in the first week of January 2006.

[8] 15 U.S.C. 78*o*–3.

[9] 15 U.S.C. 78*o*–3(b)(5).

more of the costs associated with continued operation of the API protocol for the benefit of a decreasing number of subscribers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act [10] and subparagraph (f)(2) of Rule 19b–4 thereunder,[11] because it establishes or changes a due, fee, or other charge imposed by NASD. 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, 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–2005–156 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 20549–1090.

All submissions should refer to File Number NASD–2005–156. 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 offices of 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 NASD–2005–156 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2522 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53316; File No. SR–NASD–2006–017]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Short Sale Processing in Nasdaq's INET Facility

February 15, 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 February 2, 2006, 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 and II below, which Items have been substantially prepared by Nasdaq. Nasdaq filed the proposed rule change as a ''non-controversial'' rule change under Rule 19b–4(f)(6) under the Act,[3] which rendered the proposal effective upon filing with the Commission. 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 the Substance of the Proposed Rule Change

Nasdaq proposes to clarify the method by which its INET facility processes orders to comply with short selling restrictions. Nasdaq would like to implement the proposed rule change immediately. The text of the proposed rule change is available on the NASD's Web site, *http://www.nasd.com*, at the NASD's Office of the Secretary, 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 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. 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

According to the Exchange, Nasdaq's INET System currently provides users the option of having the INET System price adjust and/or cancel short sale orders so as to comply with rules governing short selling. Under the proposal, Nasdaq is proposing to more fully explain the INET System's short sale compliance method and to apply it to all short sale orders entered into its System that are subject to short selling restrictions. As such, all orders to sell short that are subject to a short selling restriction would be processed as follows:

For Nasdaq-listed securities, if an order to sell short is entered on a down bid that, if executed upon entry, would violate NASD Rule 3350, the INET System will automatically re-price the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

order to $0.01 above the current national best bid and enter the order on the book. The INET System would thereafter monitor the order and if the order market becomes marketable, but executing the order would result in a violation of NASD Rule 3350, the INET System would cancel the order off of the book.

For non-Nasdaq securities, if an order to sell short is entered that, if executed upon entry, would violate Rule 10a–1 under the Act,[4] the INET System would re-price the order to the next whole minimum price variation above the ''last sale'' on the consolidated tape and enter the order on the book. The INET System would thereafter monitor the order and if the order becomes marketable, but executing the order would result in a violation of Rule 10a–1 under the Act,[5] the INET System would cancel the order off of the book.

The INET System would not cancel or adjust prices for orders to sell short in securities that are not subject to any short selling restriction (*e.g.*, securities exempted from short selling restrictions by Regulation SHO or any other applicable exemption). Nasdaq notes that the INET System currently provides the short sale price adjustment and/or cancellation process clarified here. Therefore, the NASD believes that adoption of the proposal would ensure that the INET System continues not to execute orders in violation of any applicable short selling restriction.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the Section 15A of the Act,[6] in general, and Section 15A(b)(6) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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.

[4] 17 CFR 240.10a–1.

[5] *See id.*

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(6).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Nasdaq has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) 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[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

Nasdaq has requested that the Commission waive the 30-day operative delay period for ''non-controversial'' proposals and make the proposed rule change effective and operative upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, because the proposed rule change is intended to clarify a process that is already in place, which is intended to ensure that the INET System continues only to execute orders that do not violate any applicable short selling restrictions. For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.[10]

At any time within 60 days of the filing of a 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.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For the purpose only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. *See* 15 U.S.C. 78c(f).

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–2006–017 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 20549–1090.

All submissions should refer to File Number SR–NASD–2006–017. 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–2006–017 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2529 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53322; File No. SR–OCC–2004–20]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to a New Risk Management Methodology

February 15, 2006.

I. Introduction

On November 15, 2004, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–OCC–2004–20 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on December 27, 2005.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

The rule change will allow OCC to implement a new risk management methodology to determine the amount of margin assets required to be deposited by a clearing member with respect to each account of that clearing member. The new risk management methodology, the System for Theoretical Analysis and Numerical Simulations, will enhance OCC's ability to measure the risk of the portfolios in a clearing member's accounts more accurately and therefore, will enable OCC to calculate margin requirements more precisely.[3]

1. The Existing Risk Management Methodology: The Theoretical Intermarket Margining System

Currently, OCC applies the Theoretical Intermarket Margining System (''TIMS'') for the calculation of clearing members' daily minimum margin requirements, for the determination of the size of OCC's clearing fund, for the computation of additional margin requirements, and for assessing risk in the Hedge Program. TIMS is a univariate risk management methodology that evaluates historical data of approximately 3,000 underlying assets to identify the expected gain or loss on positions that would occur at ten price points for equity instruments and at twenty price points for non-equity instruments within a range of likely price movements of each underlying interest. TIMS requires that options, futures, and stock loan and borrow positions that have the same underlying interest be categorized into classes and that classes be categorized into unique product groups consisting of one or more related classes. TIMS calculates the total risk of each clearing member account as the sum of the worst scenario outcomes of each product group in the account. TIMS recognizes offsetting positions within each clearing member account but only to the extent that the offsetting positions are in the same product group.

Although TIMS has consistently produced sufficient base margin requirements, this methodology has a number of shortcomings that have risk-relevant consequences. The following are examples of these shortcomings:

a. Because TIMS requires that each class group belong to only one product group, any offsetting effects among instruments in different product groups are ignored when margin requirements are calculated. This inherent lack of methodological flexibility tends to overestimate portfolio risk thereby imposing unnecessarily high margin requirements on clearing members.

b. TIMS assumes perfect correlation of price movements for underlying interests belonging to the same product group. As a result, margin requirements for unhedged product group portfolios are often overstated, and margin requirements for hedged product group portfolios are often understated.

c. TIMS calculates the total account risk as the sum of the worst scenario outcomes of all product groups. In that sense, TIMS does not measure the price risk of the total portfolio. Instead, it measures the price risk of the various subportfolios as represented by product groups. Since portfolio risk can never be larger than the sum of the portfolio components' risks, but could be smaller to the extent of any offsetting relationships, TIMS's aggregation of product group risks results in an upwardly biased estimation of a clearing member's portfolio risk.

d. TIMS's aggregation methodology often implies an economically impossible correlation (positive or negative) between product groups in an account. Suppose, for example, that an account has a (delta) long position in the broad-based index group and a (delta) short position in the individual equities group. By aggregating the risks in these two groups, TIMS implies that a decline in all broad-based indices could exist simultaneously with a rise in all individual equities—an impossible economic scenario.

e. In analyzing historical data, TIMS focuses on a range of potential price movements. However, covering 99% of all potential price movements does not result in coverage of 99% of all profit/loss outcomes, which is the desired goal. Using the TIMS method, some accounts may have margin requirements covering 98% of profit/loss outcomes while others are covered at 99.9%. These small statistical differences can have large dollar implications.

2. The New Risk Management Methodology: The System for Theoretical Analysis and Numerical Simulations

STANS preserves TIMS's analysis of the historical price movements of underlying assets and of the correlation of such price movements among underlying assets. However, STANS evaluates price risk on a portfolio level and more accurately evaluates the correspondence of price movements among underlying assets and therefore, is able to calculate margin requirements more accurately than TIMS.

STANS is a multivariate risk management methodology that considers the range of likely price movements for each of the approximately 8,000 assets underlying OCC options. STANS measures the historical correlations among the price movements of the different assets. STANS generates simulated returns for all underlying assets based on this historical data, measures the historical price volatility of each of these underlying assets, and evaluates the relationship structure of the entire portfolio. The following are ways in which STANS reduces the imprecision associated with TIMS:

a. Because STANS does not use TIMS's product group concept, STANS recognizes the relationship of each asset class to all other asset classes rather than recognizing only the relationships among asset classes in the same product group. Therefore, STANS will more accurately identify offsetting positions, and margin requirements will be adjusted downward accordingly.

b. STANS identifies a more realistic correlative relationship among underlying assets than TIMS. STANS does not exclude opposite moves for positively correlated assets. In contrast, price scenarios within the TIMS methodology are all concordant.

c. Because STANS eliminates product groups, it is able to evaluate the interrelationships among all instruments in a clearing member's portfolio rather than only within a

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 52975 (December 19, 2005), 70 FR 76487.

[3] OCC will continue to run its TIMS methodology for purposes of calculating theoretical gains and losses pursuant to Rule 15c3–1a under the Act.

product group. STANS's estimates of portfolio risk are neither upwardly nor downwardly biased.

d. STANS generates a distribution of 10,000 potential profit/loss outcomes for the entire portfolio rather than simply a range of potential price movements. By producing margin requirements that are more precise for every account, STANS ensures all accounts will have coverage for predicted liquidation outcomes at the selected confidence levels.

These characteristics will improve the accuracy of margin calculations which should improve the financial stability of OCC and the derivatives markets. In addition, STANS allows for easy integration of various types of non-equity products, such as fixed-income related products and commodities. The implementation of STANS thus facilitates joint risk assessment initiatives that can produce clearing and settlement efficiencies beneficial to investors.

To reflect the implementation of STANS in OCC's By-Laws and Rules, OCC will revise most of Rule 601 and will eliminate Rule 602. Revised Rule 601 is conceptual rather than a mechanical, step-wise description of margin requirement calculations. It is therefore more concise than the existing Rule 601. OCC presently calculates margin requirements for equity and non-equity products separately with Rule 601 being applicable to equities and Rule 602 being applicable to non-equities. Because STANS will calculate margin on equity and non-equity products in one integrated set of calculations, the calculation of margin requirements for all products will be as set forth in revised Rule 601. OCC proposes to delete cross-references to Rule 602 as appropriate throughout the Rules.

Revised Rule 601(c) contains a basic conceptual description of how under STANS OCC will determine the amount of margin assets a clearing member is required to deposit with OCC. Revised Rule 601(c) uses the concepts of ''margin requirement,'' ''margin assets,'' ''marking prices,'' and ''minimum expected liquidating value'' to aid in the description of STANS and of margin requirement calculations. Definitions of each of these terms have been included in the amendments to Article I of the By-Laws or Rule 601 as appropriate.

OCC will delete terms that were defined in Rule 601(b) that were relevant to TIMS but that are not relevant to STANS. For example, the terms ''premium margin'' and ''risk margin'' are deleted. The ''margin requirement'' as determined using STANS will be at least equal to the ''minimum expected liquidating value'' of the account if such expected value is less than zero. The ''minimum expected liquidating value'' may be conceptualized as (i) the current net asset value of positions in the account (*i.e.*, what used to be called ''premium margin'') plus (ii) an additional amount sufficient to cover the impact of the largest expected adverse market movement (*i.e.*, what used to be called ''risk margin''). Because STANS does not derive the ''minimum expected liquidating value'' in this additive way and because STANS is designed to project expected values for margin assets whose prices are not referred to as ''premiums,'' the old terminology is not appropriate.

The definition of ''marking price'' is quite flexible and allows OCC to use its discretion in determining marking prices and to use different marking prices for the same asset or liability depending upon the purpose for which a marking price is needed. An example of where the latter situation may occur is in the case of stock loan and borrow positions. Marking prices in the stock lending market are determined by the conventions of that market, and OCC would generally observe the prices used in that market for purposes of determining the daily marks passed through OCC between the lender and the borrower. OCC might, however, have a different view of the correct marking price to use for purposes of calculating the risk of those positions in STANS.

The purpose of revised Rule 601(e), ''Exclusions from Margin Requirement Calculation,'' is to identify in one place those positions that are excluded from margin requirement calculations altogether. Previous Rule 601(e) indicated that exercised or expired positions in cleared contracts or stock loan and borrow positions were excluded from margin requirement calculations. Rule 601(a) previously indicated that short positions in option contracts or BOUNDs for which a deposit in lieu of margin has been made were excluded from margin requirement calculations. Rule 614 previously indicated that long positions in cleared securities that have been pledged to a pledgee were excluded from margin requirement calculations. By definition, margin-ineligible stock loan positions and stock borrow positions are excluded from margin requirement calculations. Consolidating these provisions in one place facilitates understanding.

The release of margin assets to clearing members as described in previous Rule 601(e) has been revised to be clearer and more concise and is now covered in Rule 601(f). The previous rule contained a somewhat artificial description of margin assets being released under a position-specific determination. Consistent with the more integrated approach of the STANS methodology, revised Rule 601(f) simply states that OCC will permit the release of margin with respect to a clearing member's account if the amount of margin assets in a clearing member's account exceeds the amount of margin assets required to be in the account pursuant to Rule 601 and if any other obligations of the clearing member to OCC have been satisfied.

Previous Rule 2111(b) and Rule 2409(b) envisioned that a provisional margin requirement would be calculated with respect to cross-rate foreign currency options and FX Index Options. The provisional margin requirement was intended to ensure that OCC would not release premiums due to an account of a clearing member in a non-U.S. time zone at a time when it was holding insufficient margin to cover a premium debit in a later time zone and/or increased margin requirements resulting from activity in cross-rate and foreign currency index options since the last U.S. Dollar settlement. OCC will eliminate this provisional margin requirement and will instead simply hold any amounts otherwise payable to a clearing member in a different time zone until after the next regular settlement time in the U.S. Experience has shown that clearing members often instruct OCC to credit any cash from these early settlements to their OCC accounts instead of releasing it, and the amounts involved do not justify the costs of administering the more cumbersome procedure of calculating provisional margin requirements.

OCC expects that the amount of margin it will collect under STANS will be significantly less than the amount of margin it currently collects under TIMS. This is largely due to the fact that STANS more accurately identifies offsetting positions than TIMS. Accordingly, there would be a corresponding reduction in the amount of clearing fund collected by OCC under STANS because under Chapter X, ''Clearing Fund Contributions,'' clearing fund is calculated as a percentage of margin. The Division of Market Regulation (''Division'') requested that OCC amend its rules to increase the percentage used to calculate the size of the clearing fund because the Division believes that for the time being the clearing fund should not be significantly reduced. As a result, OCC amended the proposed rule change to amend Chapter X, Rule 1001, ''Amount of [Clearing

Fund] Contribution,'' to increase the minimum percentage used in the clearing fund calculation from 5 percent to 6 percent of average aggregate margin.

III. Discussion

Section 17A(b)(3)(F) of the Act provides that the rules of a clearing agency should be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible. OCC's margin methodology calculates the current replacement cost and market risk associated with a member's positions so that OCC may collect sufficient collateral to complete settlement in the event the member becomes insolvent or otherwise fails to meet its obligations to OCC. OCC's ability to meet its settlement obligations following a member insolvency is an important function of its role as a central counterparty.[4] It is therefore necessary that OCC have an effective methodology for calculating risk-based margin to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.

The TIMS methodology has been used by OCC since 1991 [5] and has become recognized as an industry standard for measuring risk in portfolios comprised of options, futures, and futures on options. However, as discussed above, OCC believes that there are some shortcomings to the TIMS methodology and that the more sophisticated STANS methodology will better measure the market risk in a member's account. One of the main shortcomings of TIMS is that it recognizes only a limited diversification benefit for clearing member accounts by offsetting positions only within the same product group. Further, these offsets are conservative and are not based on a statistical model for the joint behavior of asset returns. STANS, on the other hand, generates simulated returns for all of the positions in the clearing member's account simultaneously. The statistical specification and subsequent simulation in STANS, rather than the ad hoc rule in TIMS, determines the degree of offset for correlated positions.

Because STANS is designed to allow a greater amount of offset for diversification than TIMS, most of OCC's members will be required to deposit less margin under STANS than they currently are under TIMS. For instance, the 20 largest accounts at OCC would have exhibited reductions in margin of over 50 percent as of September 2005. This significant reduction reflects the difference between the two methodologies in allowance of a diversification benefit in calculating the risk-based margin of a member's account. It does not reflect a change in the purpose of OCC's margin requirement, which is to provide OCC with sufficient collateral in the event a member becomes insolvent or otherwise fails to meet its obligations to OCC. OCC will collect less margin from its members under STANS because STANS will explicitly model a joint distribution of asset returns in order to better measure risk at the member portfolio level and not because OCC is changing its tolerance for counterparty credit risk.

OCC has operated STANS in test mode for more than two years and has reviewed the methodology and the results of test operations with staff of the Commission's Division of Market Regulation (''Division'') during that time. Since June 2003, OCC has been providing information on the statistical and operational features of the STANS methodology to staff of the Office of Prudential Supervision and Risk Analysis of the Division. To become comfortable with the STANS methodology, the Division requested that OCC produce various graphs, simulations, and spreadsheets evidencing STANS's ability to calculate margin requirements more accurately than TIMS. As a result of these reviews, the Commission is of the opinion that STANS is consistent with the practices of other sophisticated market participants in measuring the risk associated with options portfolios.

Although the Commission is satisfied that STANS has performed in test mode as expected thus far, it is requiring OCC to take two measures with respect to using the new methodology. First, OCC will continue to provide the Division with information regarding the performance of STANS. OCC will provide the Division with quarterly reports summarizing any instances in which a member's account experienced a loss that exceeded the margin requirement calculated by STANS and the magnitude of any such losses. Second, OCC has amended its clearing fund formula so that the amount of clearing fund, which is a percentage of average daily total margin, will not initially decrease with the implementation of STANS and the decrease in margin requirements. Because the clearing fund serves as a resource in the event of insufficient margin deposits, the Commission does not believe it is prudent at this time for the size of the clearing fund to significantly decrease at the same time margin requirements are significantly decreased. Therefore, OCC is increasing its clearing fund calculation so that the clearing fund will be 6 percent, instead of 5 percent, of aggregate daily total margin.

Accordingly, because the Commission believes the STANS methodology is designed to provide OCC with sufficient margin to protect itself in the event of a member insolvency or other inability to satisfy its obligations to OCC, the Commission finds that OCC's proposed rule change implementing STANS and revising its clearing fund calculation is designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in OCC's custody or control or for which it is responsible.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–2004–20) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2519 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

[4] The margin methodology under both TIMS and STANS uses short-term historical returns and return volatilities to calculate the market risk associated with a member's positions. As a result, margin should provide OCC with sufficient collateral to complete settlement under normal market conditions. Very unusual and sudden market moves could result in losses to a member's account that are in excess of the margin on deposit with OCC. If a member becomes insolvent or otherwise fails to meet its obligations to OCC under such circumstances, OCC would access the assets in its clearing fund to complete settlement of the member's trades.

[5] Securities Exchange Act Release Nos. 27394 (October 26, 1989), 54 FR 46175 (November 1, 1989) [File No. SR–OCC–89–12] (Notice of filing for the TIMS proposal) and 28928 (March 1, 1991), 56 FR 9995 (March 8, 1991) (Original order approving the use of TIMS to calculate margin on equity options on a temporary basis).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53315; File No. SR–PCX–2006–09]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the SizeQuote Mechanism Pilot Program for a Period of One Year

February 15, 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 February 6, 2006, the Pacific Exchange, Inc. (''PCX'' 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 PCX. The Exchange 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 it effective upon filing with the Commission. 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

PCX proposes to amend its rules in order to extend the SizeQuote Mechanism Pilot Program (''Pilot Program'') contained in PCX Rule 6.47(g), for a one-year period ending February 15, 2007. The text of the proposed rule change is available on the Exchange's Web site (*http://www.pacificex.com*), at the Exchange's Office of the Secretary and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposal is to extend for one year the Exchange's SizeQuote Mechanism Pilot Program (''Pilot Program''). The current Pilot Program, established when the PCX filed SR–PCX–2005–35,[5] was effective upon filing, and expires on February 15, 2006. At the time SR–PCX–2005–35 was filed, the Exchange represented that at the completion of the Pilot Program the PCX would provide to the Commission a report summarizing the effectiveness of the SizeQuote program. While the Exchange believes that the SizeQuote Mechanism can be an effective tool for Floor Brokers to use while executing large size orders in open outcry, the mechanism has not been used frequently enough to supply sufficient evidence to evaluate the effectiveness of the Pilot Program. In order to allow for additional time to compile sufficient evidence as to the effectiveness of the Pilot Program, the PCX proposes to extend the Pilot Program for a one-year period ending February 15, 2007. At the end of the extended Pilot Program the PCX feels it will be able to supply the Commission with a report summarizing the effectiveness of the program.

2. Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[6] in general, and furthers the objectives of section 6(b)(5) of the Act,[7] in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade and 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 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

Written comments on the proposed rule change 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, it has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] 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 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.

A proposed rule change filed under section 19b–4(f)(6) normally may not become operative prior to 30 days after the date of its filing.[10] 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.[11] PCX has requested that the Commission 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 so that the Pilot Program may continue until February 15, 2007 without interruption.[12]

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:

[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] *See* Securities Exchange Act Release No. 51576 (April 19, 2005), 70 FR 21488 (April 26, 2005).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required to give the Commission 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 of the proposed rule change, or such shorter time as designated by the Commission. The Commission notes that the Exchange provided notice of the filing at least five business days prior to the date of filing.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] *Id.*

[12] 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. *See* 15 U.S.C. 78c(f).

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–PCX–2006–09 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 20549–1090.

All submissions should refer to File Number SR–PCX–2006–09. 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 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–PCX–2006–09 and should be submitted on or before March 16, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–2535 Filed 2–22–06; 8:45 am]

BILLING CODE 8010–01–P

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10299 and #10300]

Connecticut Disaster Number CT–00002

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Administrative declaration of a major disaster for the State of Connecticut, dated 12/21/2005.

Incident: Severe Flooding.

Incident Period: 10/14/2005 through 10/15/2005.

Effective Date: 02/13/2006.

Physical Loan Application Deadline Date: 03/23/2006.

EIDL Loan Application Deadline Date: 09/21/2006.

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, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of an Administrative declaration for the State of Connecticut, dated 12/21/2005, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 03/23/2006.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: February 13, 2006.

Hector V. Barreto,

Administrator.

[FR Doc. E6–2536 Filed 2–22–06; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5267]

Notice of Renewal for the Charter of the Secretary of State's Advisory Committee on Leadership and Management Under the Name of the Secretary of State's Advisory Committee on Transformational Diplomacy

SUMMARY: Pursuant to Section 9(a) of the Federal Advisory Committee Act (Pub. L. 92–463) and under the general authority of the Secretary and the Department of State, as derived from the President's constitutional authority and as set forth in sections 2656 and 2651a of Title 22 of the United States Code and other relevant statutes, this notice announces the renewal of the Secretary of State's Advisory Committee on Leadership and Management and amends the title as the Secretary of State's Advisory Committee on Transformational Diplomacy.

The Advisory Committee was created as a vehicle to address leadership and management issues pertaining to transformational diplomacy as they arise and not in response to a specific issue or pending concern. Members of the Advisory Committee may include former senior U.S. government officials and members of Congress and representatives of corporations, not-for-profit non-governmental organizations, professional associations, public policy or academic institutions, and other experts as needed. All meetings of this Committee will be published ahead of time in the **Federal Register**.

Additionally, the establishment of the Secretary of State's Advisory Committee on Transformational Diplomacy is essential to the conduct of Department of State business, and is in the public interest. Further information regarding this committee may be obtained from Madelyn S. Marchessault, Office of Management Policy, U.S. Department of State, Washington, DC 20520, phone (202) 647–1068.

Dated: February 7, 2006.

Marguerite Coffey,

Acting Director, Office of Management Policy, Department of State.

[FR Doc. E6–2591 Filed 2–22–06; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF STATE

[Public Notice 5306]

Meeting of Advisory Committee on International Communications and Information Policy

The Department of State announces the next meeting of its Advisory Committee on International Communications and Information Policy (ACICIP) to be held on Thursday, March 30, 2006, from 10 a.m. to 12:30 p.m., in the Loy Henderson Auditorium of the Harry S. Truman Building of the U.S. Department of State. The Truman Building is located at 2201 C Street, NW., Washington, DC 20520.

The committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of

information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country issues.

The meeting will be led by ACICIP Chair Mr. Richard E. Wiley of Wiley Rein & Fielding LLP. Ambassador David A. Gross, Deputy Assistant Secretary and U.S. Coordinator for International Communications and Information Policy, and other senior U.S. Government officials will address the meeting. The main focus of the event will be to discuss U.S. Government and private sector initiatives aimed at development of capacity in the information and communications technologies (ICT) sector, and the role of ICT for development, the World Telecom Development Conference, the Digital Freedom Initiative, and activities of the U.S. Telecommunications Training Institute. Discussion of the new Global Internet Freedom Task Force as well as follow-up to the November World Summit on the Information Society will also be on the agenda.

Members of the public may attend these meetings. While the meeting is open to the public, admittance to the Department of State building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, company, social security number, date of birth, and citizenship to Robert M. Watts at *wattsrm@state.gov* no later than 5 p.m. on Tuesday, March 28, 2006. All attendees for this meeting must use the 23rd Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. government agency ID. Non-U.S. government attendees must be escorted by Department of State personnel at all times when in the building.

For further information, please contact Robert M. Watts, Executive Secretary of the Committee, at (202) 647–5820 or by e-mail at *wattsrm@state.gov.*

Dated: February 16, 2006.

Robert M. Watts,

Executive Secretary, ACICIP, Department of State.

[FR Doc. E6–2580 Filed 2–22–06; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Delegation of Authority No. 288]

Delegation of Authority to the Global AIDS Coordinator Under the FY 2005 Foreign Operations Export Financing and Related Programs Appropriations Act

By virtue of the authority vested in me by the laws of the United States including by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2152 *et seq.*), section 1 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2651a), and Delegation of Authority Number 245 of April 23, 2001, State Department Delegation of Authority No. 145 of February 4, 1980, as amended, is hereby further amended as follows:

Section 1: Section 1(p) is restated as follows:

''(p) To the Global AIDS Coordinator:

''(1) Those functions in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (P.L. 108–25) (Act), as amended, except amendments made by that Act, that were conferred upon the President and delegated to the Secretary of State;

''(2) The functions conferred upon the Secretary of State by Section 525 of the FY 2005 Foreign Operations Export Financing And Related Programs Appropriations Act (Pub. L. 108–447).''

Section 2: Notwithstanding any provision of this Delegation of Authority, the Secretary of State and Deputy Secretary of State may at any time exercise any function delegated by this delegation of authority.

This delegation shall be published in the **Federal Register**.

Dated: February 6, 2006.

Robert B. Zoellick,

Deputy Secretary of State, Department of State.

[FR Doc. E6–2592 Filed 2–22–06; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending February 3, 2006

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2006–23855.
Date Filed: February 3, 2006.
Parties: Members of the International Air Transport Association.
Subject:
TC3 South East Asia South—Asian Subcontinent Singapore, 21 November–30 November 2005
Intended effective date: 1 April 2006 (Memo 0933).
Minutes: TC3 South East Asia—South Asian Subcontinent Singapore, 21 November–30 November 2005
Intended effective date: 1 April 2006 (Memo 0943).
Tables: TC3 South East Asia—South Asian Subcontinent Singapore, 21 November–30 November 2005
Intended effective date: 1 April 2006 (Memo 0380).

Docket Number: OST–2006–23852
Date Filed: February 3, 2006.
Parties: Members of the International Air Transport Association.
Subject:
TC3 Within South Asian Subcontinent Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0931).
Minutes: TC3 Within South Asian Subcontinent Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0943).
Tables: TC3 Within South Asian Subcontinent Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0381).

Docket Number: OST–2006–23853.
Date Filed: February 3, 2006.
Parties: Members of the International Air Transport Association.
Subject:
T TC3 Japan, Korea South Asian Subcontinent Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0932).
Minutes: TC3 Within South Asian Subcontinent Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0943).
Tables: TC3 Within South Asian Subcontinent Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0382).

Docket Number: OST–2006–23826.
Date Filed: February 2, 2006.
Parties: Members of the International Air Transport Association.
Subject:
TC3 Japan, Korea—South West Pacific except between Korea (Rep. of) and

American Samoa Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0925).

Minutes: TC3 Japan, Korea—South West Pacific except between Korea (Rep. of) and American Samoa Singapore, 21 November–30 November 2005 (Memo 0943).

Fares: TC3 Japan, Korea—South West Pacific except between Korea (Rep. of) and American Samoa Singapore, 21 November–30 November 2005. Specified fare tables.
Intended effective date: 1 April 2006 (Memo 0385).

Docket Number: OST–2006–23828.
Date Filed: February 2, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 Within South West Pacific except between French Polynesia and American Samoa Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0927).
Minutes: TC3 Within South West Pacific except between French Polynesia and American Samoa Singapore, 21 November–30 November 2005 (Memo 0943).
Fares: TC3 Within South West Pacific except between French Polynesia and American Samoa.
Intended effective date: 1 April 2006.

Docket Number: OST–2006–23829.
Date Filed: February 2, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 Within South West Pacific between French Polynesia and American Samoa Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0928).
Minutes: TC3 Within South West Pacific between French Polynesia and American Samoa.
Fares: Singapore, 21 November–30 November 2005 (Memo 0943). TC3 Within South West Pacific between French Polynesia and American Samoa Singapore, 21 November–30 November 2005 (Memo 0378).
Intended effective date: 1 April 2006.

Docket Number: OST–2006–23827.
Date Filed: February 2, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 Japan, Korea—South West Pacific between Korea and American Samoa Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0926).
Minutes: TC3 Japan, Korea—South West Pacific between Korea and American Samoa Singapore, 21 November–30 November 2005 (Memo 0943).
Fares: TC3 Japan, Korea—South West Pacific between Korea and American Samoa Singapore, 21 November–30 November 2005. Specified fare tables.
Intended effective date: 1 April 2006 (Memo 0385).

Docket Number: OST–2006–23830.
Date Filed: February 2, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 Areawide Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0929).
Minutes: TC3 Areawide. Singapore, 21 November–30 November 2005 (Memo 0943)
Technical Correction: TC3 Areawide Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0940).

Docket Number: OST–2006–23805.
Date Filed: February 1, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 Within South East Asia except between Malaysia and Guam Singapore, 21 November–30 November 2005.
Intended effective date: 1 April 2006 (Memo 0921).
Minutes: TC3 Japan, Korea South East Asia between Korea (Rep. of) and Guam, Northern Mariana Islands Singapore, 21 November–30 November 2005 (Memo 0943).
Fares: TC3 Within South East Asia except between Malaysia and Guam Singapore, 21 November–30 November 2005. Specified fare tables.
Intended effective date: 1 April 2006 (Memo 0377).

Docket Number: OST–2006–23806
Date Filed: February 1, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 Within South East Asia from Malaysia to Guam Singapore, 21 November–30 November 2005
Intended Effective Date: 1 April 2006 (Memo 0922).

Minutes: TC3 Within South East Asia from Malaysia to Guam Singapore, 21 November–30 November 2005 (Memo 0943)
Fares: TC3 Within South East Asia from Malaysia to Guam Singapore, 21 November–30 November 2005 Specified Fare Tables
Intended effective date: 1 April 2006 (Memo 0377).

[Docket Number OST–2006–23808]

Date Filed: February 1, 2006.
Parties: Members of the International Air Transport Association.
Subject:

TC3 South East Asia—South West Pacific except between Malaysia and American Samoa Singapore, 21 November–30 November 2005
Intended effective date: 1 April 2006 (Memo 0923).
Minutes: T TC3 South East Asia—South West Pacific except between Malaysia and American Samoa Singapore, 21 November–30 November 2005 (Memo 0943)
Fares: TC3 South East Asia—South West Pacific except between Malaysia and American Samoa Singapore, 21 November–30 November 2005 Specified Fare Tables
Intended effective date: 1 April 2006 (Memo 0383).

[Docket Number OST–2006–23797]

Date Filed: January 31, 2006.
Parties: Members of the International Air Transport Association.
Subject: TC3 Japan, Korea—South East Asia between Korea (Rep. of) and Guam, Northern Mariana Islands Singapore, 21 November–30 November 2005
Intended effective date: 1 April 2006 (Memo 0920).
Minutes: TC3 Japan, Korea—South East Asia between Korea (Rep. of) and Guam, Northern Mariana Islands Singapore, 21 November–30 November 2005 (Memo 0943)
Fares: TC3 Japan-Korea Singapore, 21 November–30 November 2005 Specified Fare Tables
Intended effective date: 1 April 2006 (Memo 0384).

[Docket Number OST–2006–23790]

Date Filed: January 31, 2006.
Parties: Members of the International Air Transport Association.
Subject: TC3 Japan-Korea Singapore, 21 November–30 November 2005
Intended effective date: 1 April 2006 (Memo 0918).
Minutes: TC3 Japan-Korea Singapore, 21 November–30 November 2005 (Memo 0943)
Fares: TC3 Japan-Korea Singapore, 21 November–30 November 2005 Specified Fare Tables (Memo 0379)
Correction: TC3 Japan-Korea Singapore, 21–30 November 2005
Intended effective date: 1 April 2006 (Memo 0942). TC3 Japan-Korea Singapore, 21–30 November 2005
Intended effective date: 1 April 2006 (Memo 0387).

[Docket Number OST–2006–23791]

Date Filed: January 31, 2006.

Parties: Members of the International Air Transport Association.

Subject: TC3 Japan, Korea-South East Asia except between Korea (Rep. of) and Guam, Northern Mariana Islands Singapore, 21 November–30 November 2005

Intended effective date: 1 April 2006 (Memo 0919)

Minutes: TC3 Japan-Korea Singapore, 21 November–30 November 2005 (Memo 0943)

Fares: TC3 Japan-Korea Singapore, 21 November–30 November 2005 Specified fare tables

Intended effective date: 1 April 2006 (Memo 0384).

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–2540 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) during the Week Ending February 3, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions To Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2006–23863

Date Filed: February 3, 2006.

Due Date for Answers, Conforming Applications, or Motion To Modify Scope: February 24, 2006.

Description: Application of Luzair-Transportes Aereos, S.A. requesting a foreign air carrier permit authorizing it to engage in charter foreign air transportation of persons, property and mail between a point or points in Portugal and a point or points in the United States and between points in the United States and points in third countries as authorized by and in accordance with the provisions of the ''Open Skies'' Air Transport agreement entered into by the Governments of Portugal and the United States.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–2539 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Surplus Property Release at Craig Field Airport, Selma, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the Craig Field Airport and Industrial Authority to waive the requirement that a 0.93-acre parcel of surplus property, located at the Craig Field Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before March 27, 2006.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Menzo W. Driskell, Executive Director of the Craig Field Airport and Industrial Authority at the following address: Craig Field and Industrial Authority, 48 Fifth Street; Craig Field Industrial Park, Selma, AL 36701.

FOR FURTHER INFORMATION CONTACT: Mr. Roderick T. Nicholson, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9884. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Craig Field Airport and Industrial Authority to release 0.93 acres of surplus property at the Craig Field Airport. The property will be purchased by the Alabama Power Company, which is a public utility company. The property is currently agricultural. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the City of Selma.

Issued in Jackson, Mississippi on February 15, 2006.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 06–1643 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on December 14, 2005 (70 FR 74103).

DATES: Comments must be submitted on or before March 27, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Mr. Victor Angelo, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6470). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to issue

two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 14, 2005, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 70 FR 74103. FRA received two comments in response to this notice. Both parties commenting expressed their support for the information collection activities associated with the requirements of FRA's accident/incident regulation.

In the first comment, the Chief Statistician of the U.S. Department of Commerce's Bureau of Economic Analysis (BEA), Dennis Fixler, remarked:

> The Bureau of Economic Analysis (BEA) strongly supports the continued collection of data by the Federal Railroad Administration on the Accident/Incident Reporting and Recordkeeping forms. The data collected on these forms are crucial to key components of BEA's economic statistics. BEA uses data collected on these forms to prepare estimates of the employee compensation component of national income and State personal income. Specifically, data on the number of employee injuries and deaths from forms F 6180.55 and F 6180.55a, Railroad Injury and Illness Summary, are used to prepare estimates of workers' compensation for the railroad industry. These same data by State are used to prepare estimates of workers' compensation for the railroad industry by State.

In the second comment, the Vice President of the Brotherhood of Locomotive Engineers and Trainmen (BLET), Raymond Holmes, stated his organization's support for the collection of information and requested the revision of certain accident./incident forms to collect additional information. He observed:

> BLET supports the full range of information collection encompassed under OMB Control Number 2130–0500. However, BLET believes the revision of certain of FRA's forms to require railroads to provide additional information already in their possession will enhance the safety data available to FRA and facilitate more precise analyses of trends in the industry. Specifically, BLET is concerned that exclusive reliance on mileage-based data in developing accident/incident and injury casualty rates already has compromised the quality of analysis of switching operations. Furthermore, * * * the narrow focus on mileage-based data also may infect data analysis for other freight operations in the future, because mileage-based measures fail to reflect the ongoing evolution of remote control locomotive operations ('RCL') throughout the American railroad industry.

Mr. Holmes further noted that " * * * on the FRA form that captures operational data and accident/incident counts for the reporting month, Form F 6180.55, only mileage data—and not labor hour data—is required to be broken down by subcategory.'' He added:

> * * * it is now long overdue that FRA broaden its information collection to require railroads to report the number of employee hours spent in each of the various classes of service (*i.e.*, road, yard, passenger, other), just as they currently report miles in each of these classes. Contemporary industry computer systems, which typically track both pay and hours of service, already capture this data, and the information should be easily retrievable.

Mr. Holmes comments—on behalf of the BLET—touch an area that has been a cause of concern for sometime for FRA. FRA believes that very important issues have been raised in BLET's comments. FRA strives to obtain the most accurate possible data so that it has a clear and complete picture of what is happening in the rail industry on both a current and historical basis. Accurate data are essential in developing and implementing an effective comprehensive rail safety program throughout the country. In the agency's view, the issues raised by BLET need to be looked into carefully. FRA would like to examine these issues by initiating an independent study sometime this year, budget permitting. Such a study raises procurement as well as budget issues that will need to addressed. Also, there will be cooperation issues, and FRA will need to ensure full cooperation with any contractor chosen for such an important study. If funding for this study can not be found in this year's budget, then FRA will attempt to obtain such funding in next year's budget. Once the independent study is completed, FRA will be able to determine any needed changes.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); see also 60 FR 44983, Aug. 29, 1995.

The summaries below describes the nature of the information collection requirements (ICRs) and the expected burden. The proposed requirements are being submitted for clearance by OMB as required by the PRA.

Title: Accident/Incident Reporting and Recordkeeping.

OMB Control Number: 2130–0500.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): FRA F 6180.54/55/55A/56/57/78/81/97/98/99/107.

Abstract: The collection of information is due to the railroad accident reporting regulations set forth in 49 CFR Part 225 which require railroads to submit monthly reports summarizing collisions, derailments, and certain other accidents/incidents involving damages above a periodically revised dollar threshold, as well as certain injuries to passengers, employees, and other persons on railroad property. Because the reporting requirements and the information needed regarding each category of accident/incident are unique, a different form is used for each category.

Annual Estimated Burden Hours: 46,021 hours.

ADDRESSES: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503, Attention: FRA Desk Officer.

Comments are invited on the following: Whether the proposed collections of information are 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 collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on February 16, 2006.

D.J. Stadtler,

Director, Office of Budget, Federal Railroad Administration.

[FR Doc. E6–2547 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–06–P

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.

Quantum Engineering, Inc.

(Waiver Petition Docket Number FRA–2006–23751)

Quantum Engineering, Inc. (Quantum), seeks a waiver of compliance with the requirements of 49 CFR, 221.13(d), *Rear End Marking Devices,* published January 11, 1977, and 49 CFR, 232.403(g)(2), *End-of Train Devices,* published January 17, 2001. Specifically, § 221.13(d) requires: ''The centroid of the marking device must be located at a minimum of 48 inches above the top of the rail.'' And, § 232.403(g)(2) requires: ''If power is supplied by one or more batteries, the operating life shall be a minimum of 36 hours at 0 °C.'' Quantum seeks to reduce the specified battery capacity by eliminating one of the two batteries from their end-of-train device. According to Quantum, their end-of-train device includes both an air turbine powered alternator (which has been in service for several years), and two batteries. Both the batteries and the alternator are continuously connected to provide power to the device and by removing one of the two batteries, the weight of the device could be substantially reduced. The remaining battery, which is charged by the alternator during normal operations, would provide power for approximately 18 hours in cases where the alternator would not be able to function such as during switching operations when train line brake pressure is cut out. Quantum's test data indicates that the end-of-train device will operate for approximately 18 hours with only one battery after loss of train line air.

Quantum also seeks relief from the regulatory requirement that the centroid of the marking device be located at a minimum of 48 inches above the top of the rail. Quantum states that with the coupler attachment mechanism approximately 36 inches above the rail, the 48 inch regulatory requirement requires designing the device to be at least 12 inches higher than necessary and that 12 inches is marginal at best in providing greater sight distance but introduces a substantial mechanical moment in a high G force area promoting fatigue of components. A marker minimum height of 36 inches would allow the device to be more compact with a center of gravity closer to the coupler mounting mechanism and allow a further reduction in the weight of the device. Therefore, Quantum is requesting a waiver to allow a marker height at a minimum of 36 inches above the top of the rail.

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 (FRA–2006–23751) 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 45 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 February 14, 2006.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6–2552 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

[Docket No. FRA–2006–23707]

Applicant: Norfolk Southern Corporation, Mr. Brian L. Sykes, Chief Engineer, C&S Engineering, 99 Spring Street, SW., Atlanta, Georgia 30303.

Norfolk Southern Corporation seeks approval of the proposed modification of the traffic control system, on Main Track No. 2, at Control Point Southern Avenue, milepost –654.6, on the Lake Division, Columbus District, near Chillicothe, Ohio. The proposed changes consist of the conversion of the power-operated switch to a hand-operated switch, equipped with an electric lock, and the discontinuance and removal of the three associated controlled signals.

The reason given for the proposed changes is the elimination of facilities no longer needed for present day operation. An electrically locked hand-operated switch, would better serve the minium use the turnout currently receives.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket

Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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*.

FRA wishes to inform all potential commenters that 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) or you may visit *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on February 14, 2006.

Grady C. Cothen, Jr. ,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E6–2548 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–03–16456 (PD–30(R))]

Houston, TX Requirements on Storage of Hazardous Materials During Transportation

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of administrative determination of preemption.

Local Laws Affected: Houston Fire Code.

Applicable Federal Requirements: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

Modes Affected: Air and Highway.

SUMMARY: A. Federal hazardous material transportation law preempts the following requirements in the Houston Fire Code as applied by the Houston Fire Department to the storage of hazardous materials during transportation at George Bush Intercontinental Airport, because (a) the designation, description, and classification of hazardous materials in the Fire Code is not substantively the same as in the HMR; (b) these requirements are not substantively the same as requirements in the HMR regarding the use of shipping documents to provide emergency response information in the event of an incident during the transportation of hazardous material; and (c) these requirements require advance notification of the transportation of hazardous materials which creates an obstacle to accomplishing and carrying out the purposes and goals of Federal hazardous material transportation law and the HMR:

1. Sections 105.8.h.1 and 8001.3.1, which require a permit to store, transport on site, dispense, use or handle hazardous materials in excess of certain ''exempt'' amounts listed in Table 105–C of the Fire Code.

2. Sections 105.8.f.3 and 7901.3.1, which require a permit to store, handle, transport, dispense, or use flammable or combustible liquids in excess of the amounts specified in § 105.8.f.3.

3. Sections 8001.3.2 and 8001.3.3, which specify the Houston Fire Chief may require an applicant for a permit to provide a hazardous materials management plan and a hazardous materials inventory statement in accordance with the provisions of Appendix II–E of the Fire Code.

B. Federal hazardous material transportation law preempts the separation requirements in sections 7902.1.6 and 8001.11.8 of the Houston Fire Code as applied by the Houston Fire Department to the storage of hazardous materials during transportation at George Bush Intercontinental Airport, because these requirements are not substantively the same as the segregation requirements in 49 CFR 175.78.

C. There is insufficient information to find Federal hazardous material transportation law preempts the secondary containment requirements in sections 7901.8 and 8003.1.3.3 in the Houston Fire Code as enforced and applied by the Houston Fire Department to the storage of hazardous materials during transportation at George Bush Intercontinental Airport, including the construction and capacity requirements for storage cabinets for secondary containment in sections 7902.5.9 and 8001.10.6, because the application and comments do not show (a) it is impossible to comply with both these requirements and the Federal hazardous material transportation law, the regulations issued under that law, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security (DHS), or (b) these requirements, as enforced and applied, are likely to cause diversions or delays in the transportation of hazardous materials. If the applicant wishes to provide further information regarding the secondary containment requirements in the Houston Fire Code, it may submit a new application.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001 (Tel. No. 202–366–4400).

SUPPLEMENTARY INFORMATION:

I. Background

A. Local Requirements Considered

In this determination, PHMSA considers the following requirements in the Houston Fire Code (Fire Code) as those requirements are applied by the Houston Fire Department (HFD) to the temporary storage of hazardous materials at George Bush Intercontinental Airport (IAH) during transportation.

• *Permits:*

1. Sections 105.8.h.1 and 8001.3.1, which require a permit to store, transport on site, dispense, use or handle hazardous materials in excess of certain ''exempt'' amounts listed in Table 105–C of the Fire Code.

2. Sections 105.8.f.3 and 7901.3.1, which require a permit to store, handle, transport, dispense, or use flammable or combustible liquids in excess of the amounts specified in § 105.8.f.3.

3. Sections 8001.3.2 and 8001.3.3, which specify the HFD chief may require an applicant for a permit to provide a hazardous materials management plan (HMMP) and a hazardous materials inventory statement (HMIS) in accordance with the provisions of Appendix II–E of the Fire Code.

• *Containment and Separation:*

1. Sections 8003.1.3.3 and 7901.8, which require secondary containment in buildings, rooms or areas used for storage of hazardous materials and

flammable or combustible liquids, respectively, in excess of specified quantities.

2. Sections 8001.11.8 and 7902.1.6, which require separation of incompatible materials in storage by one of several specific alternative measures.

3. Sections 8001.10.6 and 7902.5.9, which contain provisions on the construction and use of storage cabinets for hazardous materials.

B. Application

Societé Air France (Air France) has applied for a determination that Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts these permit and containment requirements. In its application, Air France states it transports cargo on both passenger-carrying and all-cargo aircraft between Paris, France and IAH and, since 1979, it has received a permit from HFD to handle and store hazardous materials at its IAH cargo facility. It states the hazardous materials stored at IAH ''are in transit * * * under active shipping papers (or waybills) and are only present there incidental to prior or subsequent air transportation.'' It says activities at IAH involving these hazardous materials include ''palletization and other procedures related to their carriage by air.''

According to Air France, beginning in June 2002, HFD has required it to submit an HMMP and an HMIS in order to obtain a permit, both of which require extensive information. It relates HFD refused to accept the HMMP and HMIS submitted by Air France until June 2003, and, during the interval, HFD cited the local Air France cargo manager for several violations of the Fire Code including the alleged failure to provide a proper HMIS for the storage of hazardous materials and the alleged failure to post the required local permit for the storage, handling or use of flammable liquids. Air France also states it moved into a new cargo warehouse at IAH in July 2003, where, as a condition of issuing a certificate of occupancy, HFD has required the installation of a hazardous materials storage cabinet ''for the storage by Air France of certain in transit hazardous materials.'' Air France states it operates cargo warehouse facilities at six locations in the United States, and Houston is the only location where it is required to obtain a local permit or install and use storage cabinets to temporarily store hazardous materials.

C. Public Notice

In a notice published in the **Federal Register** on November 13, 2003 (68 FR 64413), the Research and Special Programs Administration (PHMSA's predecessor agency) [1] invited interested persons to submit comments on Air France's application. In that notice, we discussed our prior consideration of the Fire Code in Preemption Determination (PD) No. 14(R), Houston, Texas Fire Code Requirements on the Storage, Transportation, and Handling of Hazardous Materials, 63 FR 67506 (Dec. 7, 1998), decision on petition for reconsideration, 64 FR 33939 (June 24, 1999). In PD–14(R), we explained ''the HMR clearly apply to transportation-related storage,'' including ''storage by a carrier between the time a hazardous material is offered for transportation and the time it is accepted by the consignee,'' and ''transportation-related activities'' include the interim storage of hazardous materials at a transfer facility. 64 FR at 33952 (internal quotations omitted), quoted at 68 FR at 64414–15. We also noted the ''current edition of the Fire Code has retained the exception in Sec. 7901.1.1'' that the permit and other requirements in that Article do not apply to ''[t]ransportation of flammable and combustible liquids when in accordance with DOT regulations on file with and approved by DOT.'' 68 FR at 64415.

In the November 13, 2003 notice, we further discussed our October 30, 2003 final rule in Docket No. RSPA–98–4952 (HM–223), ''Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage,'' 68 FR 61906, where we

> reaffirmed that ''storage incidental to movement of a hazardous material'' is a ''transportation function'' and the HMR apply to the ''[s]torage of a * * * package containing a hazardous material by any person between the time that a carrier takes possession of the hazardous material for the purpose of transporting it until the package containing the hazardous material is physically delivered to the destination indicated on a shipping document, package marking, or other medium.''

68 FR at 64415, quoting from 49 CFR 171.1(c)(4), as added at 68 FR at 61938. In HM–223, we ''also reaffirmed in new § 171.1(f)(1) that State and local requirements may apply to a 'facility at which pre-transportation or transportation functions are performed,' but that those State and local requirements remain subject to preemption under the criteria set forth in 49 U.S.C. 5125.'' *Id.*[2]

In response to the November 13, 2003 public notice, comments were submitted by the City of Houston (City); Air France; Air Transport Association of America, Inc.; American Trucking Associations, Inc.; Cargolux Airlines, International, S.A.; Council on Radionuclides and Radiopharmaceuticals, Inc. (CORAR); Dangerous Goods Advisory Council (DGAC); Federal Express Corporation (FedEx); IAH Air Cargo L.P., doing business as Lynxs Houston CargoPort (Lynxs); International Air Transport Association (IATA); Nuclear Energy Institute (NEI); and the Radiopharmaceutical Shippers and Carriers Conference (RSCC). Air France and the City submitted rebuttal comments. In September 2005, Air France submitted a copy of HFD's Hazardous Materials Inventory Routing Form and the accompanying instructions for completing these forms.

II. Federal Preemption

As discussed in the November 13, 2003 notice, 49 U.S.C. 5125 contains express preemption provisions relevant to this proceeding. 68 FR at 64415–16. As amended by section 1711(b) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2320), 49 U.S.C. 5125(a) provides—in the absence of a waiver of preemption by DOT under § 5125(e) or specific authority in another Federal law—a requirement of a State, political subdivision of a State, or Indian tribe is preempted if

[1] Effective February 20, 2005, PHMSA was created to further the ''highest degree of safety in pipeline transportation and hazardous materials transportation,'' and the Secretary of Transportation redelegated hazardous materials safety functions from the Research and Special Programs Administration (RSPA) to PHMSA's Administrator. 49 U.S.C. 108, as amended by the Norman Y. Mineta Research and Special Programs Improvement Act (Pub. L. 108–426, § 2, 118 Stat. 2423 (Nov. 30, 2004)); and 49 CFR 1.53(b), as amended at 70 FR 8301–02 (Feb. 18, 2005). For consistency, the terms ''PHMSA'' and ''we'' are used in the remainder of this determination, regardless of whether an action was taken by RSPA before February 20, 2005, or by PHMSA after that date.

[2] In response to administrative appeals, PHMSA's further final rule in HM–223 moved from § 171.1(f)(1) to § 171.1(f)(2) the provision that State and local requirements applicable to a ''facility at which functions regulated under the HMR are performed'' remain subject to the preemption criteria in Federal hazardous material transportation law and reiterated DOT uses the procedures in 49 CFR part 107, subpart C to make preemption determinations regarding non-Federal requirements (other than highway routing requirements which are considered under 49 CFR part 397). 70 FR 20018, 20033 (Apr. 15, 2005). The April 15, 2005 final rule made no change to the long-standing principle that storage during transportation remains fully subject to the requirements in the HMR. See §§ 171.1(c)(4), 171.8, 70 FR at 20032, 20033. Petitions for judicial review of both the October 30, 2003 and April 15, 2005 final rules are pending in *American Chemistry Council* v. *Department of Transportation,* Nos. 03–1456 & 05–1191 (DC Cir.), but those petitions do not challenge those parts of the HM–223 final rules making it explicit the HMR apply to storage of hazardous materials during transportation.

(1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security is not possible; or

(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security.

These two paragraphs set forth the ''dual compliance'' and ''obstacle'' criteria PHMSA had applied in issuing inconsistency rulings (IRs) prior to 1990, under the original preemption provision in the Hazardous Materials Transportation Act (HMTA). Public Law 93–633 section 112(a), 88 Stat. 2161 (1975). The dual compliance and obstacle criteria are based on U.S. Supreme Court decisions on preemption. *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.,* 435 U.S. 151 (1978).

Subsection (b)(1) of 49 U.S.C. 5125 provides a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not ''substantively the same as'' a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by DHS:

(A) The designation, description, and classification of hazardous material.

(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous material.

(C) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.

(D) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(E) The designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material.[3]

[3] Subparagraph (E) was editorially revised in Sec. 7122(a) of the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005, which is Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Public Law 109–59, 119. Stat. 1891 (Aug. 10, 2005).

To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted.'' 49 CFR 107.202(d).

The 2002 amendments and 2005 reenactment of the preemption provisions in 49 U.S.C. 5125 reaffirmed Congress's long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. More than thirty years ago, when it was considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). When Congress expanded the preemption provisions in 1990, it specifically found:

(3) Many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements,

(4) Because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable,

(5) In order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.

Public Law 101–615 section 2, 104 Stat. 3244. (In 1994, Congress revised, codified and enacted the HMTA ''without substantive change,'' at 49 U.S.C. Chapter 51. Public Law 103–272, 108 Stat. 745 (July 5, 1994).) A United States Court of Appeals has found uniformity was the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials. *Colorado Pub. Util. Comm'n* v. *Harmon*, 951 F.2d 1571, 1575 (10th Cir. 1991).

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination whether the requirement is preempted. The Secretary of Transportation has delegated authority to PHMSA to make determinations of preemption, except for those concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration). 49 CFR 1.53(b).

Section 5125(d)(1) requires notice of an application for a preemption determination to be published in the **Federal Register**. Following the receipt and consideration of written comments, PHMSA publishes its determination in the **Federal Register**. *See* 49 CFR 107.209(c). A short period of time is allowed for filing of petitions for reconsideration. 49 CFR 107.211. A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final. 49 U.S.C. 5127(a).

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution, or statutes other than the Federal hazardous material transportation law unless it is necessary to do so in order to determine whether a requirement is authorized by another Federal law, or whether a fee is ''fair'' within the meaning of 49 U.S.C. 5125(f)(1). A State, local or Indian tribe requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n* v. *Harmon*, above, 951 F.2d at 1581 n.10.

In making preemption determinations under 49 U.S.C. 5125(d), PHMSA is guided by the principles and policies set forth in Executive Order No. 13132, entitled ''Federalism.'' 64 FR 43255 (Aug. 10, 1999). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. Section 5125 contains express preemption provisions, which PHMSA has implemented through its regulations.

III. Discussion

A. Application of the HMR to Storage During Transportation

In its application, Air France states it transports cargo on both passenger-carrying and all-cargo aircraft between

Paris, France and IAH and, since 1979, it has received an annual permit from HFD to handle and store hazardous materials in transit at its IAH cargo facility. It stresses ''hazardous materials typically spend only a very short period of time at the Air France cargo facility,'' and ''Air France is unable to predict what hazardous materials it may have in its facility at any given time since this is a function of the hazardous materials that its customers choose to ship.''

According to the City, IAH and the other two Houston airports (Hobby and Ellington) make up the fourth-largest multi-airport system in the United States and the sixth-largest such system in the world. The City states 602 million pounds of cargo were transported through IAH during 2002. It indicates ten scheduled all-cargo airlines serve IAH, and most of the 25 scheduled passenger airlines serving Houston also carry cargo; for many of them ''the transportation of hazardous materials constitutes a very significant portion of their cargo business'' which is ''vital to the well-being of the Houston airports and the local, Texas and regional economies.'' It states the ''protection of public safety and the smooth flow of commerce * * * are each extremely important to the City,'' and the City has a ''strong interest in ensuring that hazardous materials stored at City airports or in connection with air transportation through the Houston airports are managed appropriately'' because City employees ''bear both the responsibility and the risk of responding'' to incidents involving hazardous materials in transportation. It refers to a purported ''tension between Federal and local requirements'' and asserts, ''[u]nless it is clear that a specific provision is indeed preempted, the Houston Fire Department understands that it is required to enforce the requirements and regulations imposed by local law.''

As discussed in the November 13, 2003 public notice, the HMR clearly apply to the storage of hazardous materials ''incidental to [their] movement.'' 68 FR at 64415; *see also* 49 U.S.C. 5102(12). In the October 30, 2003 final rule in HM–223, we reaffirmed that ''storage incidental to movement of a hazardous material'' is a ''transportation function,'' and the HMR apply to the ''[s]torage of a * * * package containing a hazardous material by any person between the time that a carrier takes physical possession of the hazardous material for the purposes of transporting it until the package containing the hazardous material is delivered to the destination indicated on a shipping document, package marking, or other medium * * *'' 49 CFR 171.1(c)(4), as added at 68 FR 61938; *see also* the definition of ''storage incidental to movement'' added to § 171.8. *Id.* at 61940–41.

We also reaffirmed that State and local requirements may apply to a ''facility at which pre-transportation or transportation functions are performed,'' but those State and local requirements remain subject to preemption under the criteria set forth in 49 U.S.C. 5125 (discussed in Part II, above). 49 CFR 171.1(f)(1) & (2), as added at 68 FR 61938, and revised in the April 15, 2005 final rule, 70 FR at 20032–33. Accordingly,

> Unless the Secretary waives preemption, the preemption provisions of Federal hazmat law effectively preclude state, local, and tribal governments from regulating transportation functions, as defined in this final rule, in a manner that differs from the Federal requirements if the non-Federal requirement is not authorized by another Federal law and the non-Federal requirement fails the dual compliance, obstacle, or covered subject test. Examples of such transportation functions include: * * * (4) storage of a hazardous material between the time that a carrier takes possession of the material until it is delivered to its destination as indicated on shipping documentation.

68 FR at 61924. We also explained ''the definitions adopted in [the HM–223] final rule permit other Federal agencies, states, and local governments to exercise their legitimate regulatory roles at fixed facilities,'' but, as expressed in one comment in the HM–223 rulemaking proceeding, ''[u]niformity, clarity, and consistency are essential when addressing the * * * storage of hazardous materials in intrastate and interstate commerce.'' *Id.* at 61915. In this regard, PHMSA has not broken new ground in HM–223 but simply set forth principles ''consistent with previous administrative determinations and letters of interpretation concerning the applicability of the HMR to hazardous materials stored incidental to movement.'' *Id.* at 61919.

These prior decisions include IR–28, ''San Jose Restrictions on the Storage of Hazardous Materials,'' 55 FR 8884 (March 8, 1990), appeal dismissed as moot, 57 FR 41165 (September 9, 1992). In IR–28, PHMSA examined provisions in the San Jose Hazardous Materials Storage Ordinance as it was being applied to a motor carrier's transfer facility where ''local shipments and those arriving at the terminal from around the world may move directly to another truck or be temporarily stored at the terminal until an appropriate outgoing truck is present.'' 55 FR at 8888. As with Air France's operations at IAH, ''all these shipments are under active shipping papers prepared and certified by the shipper and using DOT-specified terminology.'' *Id.* Among the local requirements considered in IR–28 were (1) the need to submit an HMMP, including an HMIS, in order to obtain a permit to store hazardous materials, and (2) secondary containment and segregation requirements.

Citing several prior rulings and court decisions, we stated ''State and local permits for hazardous materials transportation are not *per se* inconsistent [with Federal hazardous material transportation law]; their consistency depends upon the nature of their requirements.'' 55 FR at 8890. We specifically found San Jose's requirement to submit an HMMP and HMIS is preempted because it created ''potential delay or diversion of hazardous materials'' (*Id.* at 8891), and local requirements for emergency response information which are ''not identical to these HMR provisions will cause confusion concerning the nature of such requirements, undermine compliance with the HMR requirements, constitute obstacles to the implementation of those provisions, and thus be inconsistent and preempted.'' *Id.* at 8892. We also found ''strict but subjective secondary containment and segregation requirements'' which differ from, or are in addition to, those in the HMR ''create confusion * * * and the likelihood of noncompliance with'' requirements applicable to motor carriers now located at 49 CFR 177.848(d) and ''are obstacles to the execution of an HMR provision * * * insofar as they apply to transportation-related storage.'' *Id.* at 8893. We made it clear these requirements are not preempted ''when applied to non-transportation-related storage.'' *Id.*

In PD–12(R), New York Department of Environmental Conservation Requirements on the Transfer and Storage of Hazardous Wastes Incidental to Transportation, 60 FR 62527 (Dec. 6, 1995), decision on petition for reconsideration, 62 FR 15970 (April 3, 1997), PHMSA cautioned ''it may be too broad to read IR–28 as finding that any non-Federal requirement for secondary containment at a transfer facility is unnecessary and an obstacle to accomplishment and carrying out of the HMR.'' 62 FR at 15972. We noted ''San Jose applied both a subjective secondary containment standard and provisions for separation (or segregation) of different classes of hazardous materials'' which differed from those in the HMR. *Id.* Moreover, in IR–28, ''no one disputed the effect of the San Jose storage requirements'' which would

force a transfer of the carrier's hazardous materials operations to a different facility and delay deliveries. *Id.* In PD–12(R), we concluded there was not sufficient information to find New York's secondary containment requirement is an obstacle to accomplishing and carrying out Federal hazardous material transportation law and the HMR, ''[i]n the absence of more specific evidence of the effects of this requirement on the transportation of hazardous waste, including the repackaging and consolidation of wastes.'' 62 FR at 15973.

Accordingly, in PD–14(R), PHMSA stated the HMR clearly apply to the transportation of hazardous materials by a carrier, and ''[c]ertain activities that take place on private property, including the 'loading, unloading, or storage [of hazardous material] incidental to the movement' of that material in commerce, fall within the scope of 'transportation' in commerce, 49 U.S.C. 5102(12), and are subject to regulation under the HMR.'' 63 FR at 67510, n.5. Moreover, ''[t]he enforceability of non-Federal requirements on 'incidental' storage depends on the consistency of those requirements with the HMR and, of course, the applicability of the requirements themselves in terms of exceptions such as Secs. 7901.1.1 and 8000.1.1 of the Uniform Fire Code.'' 64 FR at 33952.

It is not possible to accept the City's broad assertion that ''local fire codes applicable to facilities in which hazardous materials are stored are not preempted.'' Local requirements which affect the transportation of hazardous material, contained in fire codes or other regulations, remain subject to preemption under the criteria in 49 U.S.C. 5125. Nothing in the HM–223 final rules has changed the applicability of the HMR to specific functions and activities, including the ''storage of hazardous materials during transportation.'' 68 FR at 61906.

Moreover, because storage of hazardous materials incidental to their movement in commerce is part of ''transportation,'' the specific exception in section 7901.1.1 for ''Transportation of flammable and combustible liquids when in accordance with DOT regulations on file and approved by DOT,'' should mean the permit and storage requirements at issue here apply only to other hazardous materials besides flammable and combustible liquids. As stated in the November 13, 2003 public notice, ''to the extent that flammable and combustible liquids are stored in the course of transportation, they cannot be considered subject to any requirements in Article 79 of the Fire Code,'' including sections 7901.3.1, 7901.9, 7902.1.6, and 7902.5.9 (and the compatible provisions in section 105). 68 FR at 64415. The City has failed to discuss this issue and, we assume, adheres to the same inherently inconsistent position it took in PD–14(R) that some requirements in Article 79 ''are not affected'' by the exception in section 7901.1.1. *See* 63 FR at 67510. As a result, PHMSA finds it necessary to address requirements in both Articles 79 and 80.

B. Permit

In its application, Air France states it has received an annual permit from HFD since 1979 to handle and store hazardous materials at IAH. The Fire Code requires a permit to (1) store, handle, transport, dispense, mix, blend, or use flammable or combustible liquids in excess of specified quantities (sections 108.f.3 and 7901.3.1), or (2) store, transport on site, dispense, use or handle hazardous materials in excess of specified quantities (sections 108.h.1 and 8001.3.1). In addition, sections 8001.3.2 and 8001.3.3, respectively, authorize the Fire Chief to require an HMMP and HMIS.

Appendix II–E to the Fire Code contains standard forms for the HMMP and the HMIS and sets forth the information to be provided. The HMMP must include general business information, a general site plan (whose requirements are also set forth in Section 8001.3.2), a building floor plan, information on hazardous materials handling, information on chemical compatibility and separation, a monitoring program, inspection and record keeping, employee training, and emergency response procedures. The HMIS must list all hazardous materials stored in a building and include the following information:

1. Hazard class.
2. Common or trade name.
3. Chemical name, major components and concentrations if a mixture. If a waste, the waste category.
4. Chemical Abstract Service number (CAS number) found in 29 Code of Federal Regulations (CFR).
5. Whether the material is pure or a mixture, and whether the material is a solid, liquid or gas.
6. Maximum aggregate quantity stored at any one time.
7. Storage conditions related to the storage type, temperature and pressure.

Section 2.2 of Appendix II–E also requires the submission of an amended HMIS ''within 30 days of the storage of any hazardous materials which changes or adds a hazard class or which is sufficient in quantity to cause an increase in quantity which exceeds 5 percent for any hazard class.''

Air France states in its application that, beginning in June 2002, HFD required submission of an HMMP and HMIS in order to obtain a permit to store hazardous materials, as well as an additional HMMP and HMIS for a second permit to store or handle flammable and combustible liquids. It relates HFD refused to accept the HMMPs and HMISs submitted by Air France until June 2003, and, during the interval, HFD cited the local Air France cargo manager for several violations of the Fire Code, including the alleged failures to provide a proper HMIS for the storage of hazardous materials and post the required local permit for the storage, handling or use of flammable liquids. According to Air France, the only way to satisfy HFD's demands was to conduct a survey of the shipping papers (manifests and notifications to pilot-in-command) for ''a prior six-month period in order to estimate the maximum aggregate quantities of hazardous materials stored at any one time as required to be provided in the HMIS.'' It also states its consultant had to contact ''numerous shippers and manufacturers'' to obtain common names and trade names of hazardous materials which ''are not contained on shipping papers.''

Air France argues these permit requirements create obstacles to the accomplishing and carrying out the Federal hazardous material transportation law and the HMR, for the same reasons PHMSA found ''virtually identical HMMP and HMIS requirements'' to be preempted in IR–28. According to Air France, the following passage in IR–28, 55 FR at 8891, describes the City's permit requirements which impose

> extensive (practically exhaustive), extremely detailed, burdensome, open-ended, vague and impossible-to-comply-with information and documentation requirements as a condition precedent to, *inter alia*, the storage of hazardous materials incidental to the transportation thereof without regard to whether that transportation-related storage is in compliance with the HMR. For example the detailed information required to be provided concerning the identity and quantity of hazardous materials (and other materials) which a transportation carrier might store at its facility during a given year is impossible to compile and provide in advance because a common carrier is at the mercy of its customers, including the general public, who may without advance notice offer to the carrier for transportation virtually any quantity of the thousands of hazardous materials listed in, or covered by, the HMR.

Air France also points to the additional finding in IR–28 that ''the City's information and documentation requirements, insofar as they relate to the hazardous materials to be stored at a facility incidental to transportation, * * * constitute an inconsistent advance notice requirement.'' *Id.* In prior inconsistency rulings, PHMSA had found ''local requirements for advance notice of hazardous materials transportation have potential to delay and redirect traffic and thus are inconsistent.'' *Id.*

In response, the City described its ''only concern'' as follows:

> [E]mergency response personnel, including in particular the Fire Department, must have immediate access to an HMIS and an HMMP in order to determine how to address the emergency, and also to ensure that local firefighters and other emergency response personnel are protected from injury. To the extent that suitable federal versions of these documents are available, such as pursuant to 49 CFR 172.600 *et seq.*, Houston is willing to accept these documents as substitutes.

In its reply comments, the City states it ''would not oppose a determination'' that its HMIS and HMMP requirements are preempted. However, it appears the City has not been accepting the emergency response information required by 49 CFR 172.600 *et seq.*, in place of its requirements for more detailed information. HFD's six-page Hazardous Materials Inventory Routing Form lists 42 categories and classes of materials for which an applicant must indicate whether it has ''amounts that require a permit'' or ''above exempt amounts.'' The instructions define ''hazardous material'' as ''chemicals or substances which are physical hazards or health hazards as defined and classified by Fire Code Chapter 27 and Code of Federal Regulations CFR 29,'' and provide that the inventory form must be submitted ''with permit applications or when there is any change in your inventory of more than (10) ten percent.'' These documents indicate the City is still requiring the detailed information in the HMIS and HMMP.

Other than the City, the commenters agree the requirements to submit the detailed information in the HMMP and HMIS are preempted for the same reasons PHMSA set forth in IR–28. The Air Transport Association states air carriers ''have no advance notice of the type or quantity of dangerous goods that their customers may present for carriage,'' and the ''fluid nature of air transportation makes it impossible for carriers to comply with detailed local inventory, documentation and emergency response requirements without impeding their operations under the HMRs.'' The American Trucking Associations states ''requirements such as Houston's HMMP and HMIS will operate to divert certain hazardous materials around Houston, because many transportation companies will find it impossible to comply,'' and such potential diversion

> is exactly the result Congress sought to eliminate in ensuring uniform hazardous materials regulations over the loading, unloading and storage incidental to transportation. Requirements such as these merely transfer the burden to neighboring jurisdictions and have the additional effect of requiring the hazardous materials to travel additional miles and spend additional time in transportation. Statistically, the amount of time the materials spend in transit and the number of miles traveled is directly proportional to the number of incidents that will occur. Increased miles will translate to an increase in incidents.

FedEx wrote that, on December 10, 2003, its Houston facility also received a notice of violation concerning its HMMP and HMIS and, if these requirements ''are allowed to be enforced against carriers, they will likely cause the diversion of hazardous materials shipments around Houston.'' FedEx states it handles 3.1 million packages each day and it has no ''prior knowledge of the contents of each of these packages * * *. Essentially, the nature of such packages would change with each inbound flight or truck'' and ''generally such packages would not be at our facility for more than twenty-four hours.''

DGAC states ''Houston's HMMP and HMIS [requirements] will likely result in the diversion of hazardous materials to avoid Houston,'' and it referred to PHMSA's prior findings that information and documentation requirements which ''exceeded Federal requirements'' and ''create potential delay or diversion of hazardous materials during transportation'' are an ''obstacle'' and preempted by Federal hazardous material transportation law. NEI comments that HFD's collection of ''information on hazardous materials in storage'' must be in accordance with the HMR.

RSCC states it ''represents manufacturers and carriers of medical products destined for patient care'' which ''require expeditious handling in all modes. Delay is destructive to the products and harmful to the patients who desperately need the treatment these medical products provide.'' RSCC compares the City's permit requirements to ''those addressed in earlier rulings, namely San Jose (IR–28)'' and states those requirements give local officials unfettered discretion, delay materials in transit, frustrate movement, and provide an incentive to divert traffic. RSCC further urges DOT to ask a Federal court to enjoin enforcement of the City's permit and containment requirements, expressing concern the City will continue to ''reinterpret[] its requirements to frustrate the DOT ruling process'' and, further, the Fire Code is model legislation and ''other municipal governments are looking at the same provisions for application in their communities.''

A fundamental problem with the City's information requirements in an HMIS and HMMP is that the Fire Code designates, describes and classifies hazardous materials in a different manner than the HMR. For example, the Fire Code lists materials as ''physical'' and ''health'' hazards—which the HMR do not—and includes materials not regulated under the HMR, such as carcinogens. Another example is found in the Fire Code's definitions of ''flammable'' and ''combustible'' liquids, which differ from those in the HMR; a liquid with a flash point between 100 °F and 141 °F is classified as ''combustible'' in the Fire Code but ''flammable'' in the HMR. *See* 49 CFR 173.120. Further, a liquid with a flash point above 200 °F is not regulated under the HMR, but it may still be considered ''combustible'' under the Fire Code.

The Fire Code and the HMR differ because the hazardous material categories in the Fire Code are based on Title 29 CFR, which ''do not necessarily match the classifications used by other federal agencies such as the Department of Transportation and EPA.'' Shapiro, ''Using the Hazardous Materials Provisions in U.F.C. Article 80 and U.B.C. Chapter 9,'' *International Fire Code Institute Fire Code Journal*, vol. 1, No. 3 (Summer 1992), p. 4. The information available to a carrier from the shipping paper is not sufficient for the HMIS required under the Fire Code, as confirmed by the fact Air France's consultant had to contact shippers and manufacturers for common names and trade names of materials transported through IAH during a prior six-month period. The Federal hazardous materials transportation law preempts permit requirements in the Fire Code which require the submission of information for hazardous materials being stored during transportation, because those materials are designated, described, and classified in a manner which is not substantively the same as in the HMR. 49 U.S.C. 5125(b)(1)(A).

A second problem, discussed in IR–28, is a conflict with the emergency

response information requirements in the HMR, which provide certain emergency response information must be provided by an offeror and maintained by a carrier at ''a facility where a hazardous material is received, stored or handled during transportation * * * in a location that is immediately accessible to facility personnel in the event of an incident involving the hazardous material.'' 49 CFR 172.602(c)(2); *see* 55 FR at 8892. This information must be ''[a]vailable for use away from the package containing the hazardous material'' and may be presented on a shipping paper or on a separate document which describes the hazardous material or is ''[r]elated to the information on a shipping paper * * * in a manner that cross-references the description of the hazardous material on the shipping paper.'' 49 CFR 172.602(b)(2) & (3). Accordingly, under the HMR, the document(s) containing this emergency response information form part of the ''shipping documents'' which must accompany a hazardous materials shipment. However, the City requires additional information in the HMMP and HMIS and effectively precludes the use of these shipping documents to provide the necessary emergency response information. Federal hazardous material transportation law preempts the Fire Code's permit requirement, which includes the submission of an HMMP and HMIS, because this requirement is not substantively the same as requirements in the HMR concerning the ''use of shipping documents related to hazardous material.'' 49 U.S.C. 5125(b)(1)(C).

Moreover, the detailed information requirements required in order to obtain a permit from the HFD in order to temporarily store hazardous materials at IAH constitute an advance notice requirement which causes the likelihood for diversion and delay in the transportation of hazardous material. As discussed in IR–28, HMMP and HMIS requirements are extensive, extremely detailed, and, in the case of a common carrier, ''impossible to comply with'' because ''a common carrier is at the mercy of its customers, including the general public, who may without advance notice offer to the carrier for transportation virtually any quantity of any of the thousands of hazardous materials list in, or covered by, the HMR.'' 55 FR at 8891. In the case of Air France, every incoming or outgoing flight at IAH (or vehicle delivery to or from IAH) could result in an increase or decrease of more than 10% in its ''inventory'' of one or more of the 42 categories and classes of materials on the Hazardous Materials Inventory Routing Form. Under these circumstances, Federal hazardous material transportation law preempts the HMMP and HMIS requirements in the Fire Code because the potential for diversion and delay reduces safety in the transportation of hazardous materials and creates an obstacle to accomplishing and carrying out the purposes and goals of Federal hazardous material transportation law and the HMR.

C. Containment and Separation

In its application, Air France states HFD issued an annual permit to handle or store hazardous materials on June 17, 2003, and, ten days later, a separate permit to handle or store flammable and combustible liquids—but Air France did not actually receive the permits until August 6, 2006, when hazardous material storage cabinets were installed at the new cargo facility which it subleases from Lynxs. According to Air France, HFD required the installation of ''a hazardous materials storage cabinet * * * for the storage by Air France of certain in transit hazardous materials,'' as a condition of issuing a certificate of occupancy. Air France indicates it operates cargo warehouses at six other locations in the United States, and none of these jurisdictions requires it to obtain a local permit or install and use storage cabinets when it handles and stores hazardous materials in the course of transportation.

Lynxs states ''the subject of hazardous materials transportation on premises did come up several times,'' prior to construction of this facility.

> The overwhelming opinion of all the building developers and airlines who occupy these buildings was that the handling standards which had been issued by DOT * * * were fair, adequate and appropriate for proper transport of various types of goods that might be coming through the buildings on their way to and from the aircraft.
>
> Nevertheless, in January 2003, we were informed that new standards would be proposed by the Houston Fire Marshall based on his own evaluation of the situations of two of our tenants, one of which was Air France. We worked closely with Air France personnel, a hazardous materials consultant and the Fire Marshall to find a solution that would allow the tenants to occupy and operate in the building, but made it clear that we did not agree with either the Fire Marshall's jurisdiction or conclusions in this matter. We did install specialized hazardous materials lockers outside of the buildings for storage of certain in-transit goods.

In its application, Air France states HFD never identified the specific provisions in the Fire Code under which the storage cabinets were required, but its application refers to the following provisions:

Sections 8003.1.3.3 and 7901.8, which require secondary containment in buildings, rooms or areas used for storage of hazardous materials and flammable or combustible liquids, respectively, in excess of certain quantities and also require the separation of incompatible materials.

Sections 8001.11.8 and 7902.1.6, which require separation of incompatible materials in storage, in packages larger than 5 pounds or one-half gallon, by separating the materials by at least 20 feet, isolating the materials by a noncombustible partition, storing liquid and solid materials in storage cabinets, or storing compressed gases in gas cabinets or exhausted enclosures.

Sections 8001.10.6 and 7902.5.9, which set forth standards for storage cabinets and limit the total quantity of flammable and combustible liquids in a storage cabinet to 120 gallons.

Air France also states HFD provided Air France with a copy of tables of ''exempt amounts'' in the Fire Code and indicated that hazardous materials exceeding these amounts must be stored in cabinets.

Air France asserts the storage cabinet requirement ''has the potential to create confusion'' and ''create delays and diversions in the transportation of hazardous materials.'' It states ''the storage cabinet required by the Fire Department is only able to hold a limited amount of hazardous materials,'' and

> When the cabinet is full (or other incompatible materials are already stored in the cabinet) hazardous materials may have to be shipped through other jurisdictions using a more circuitous routing in order to reach their final destination. Thus, the Fire Department's storage cabinet requirement could have a direct impact on the length of time certain shipments of hazardous materials remain in transit thereby increasing the risk associated with their transportation. In fact, within the first few days of using the storage cabinet, Air France had to delay for two days the acceptance of a shipment of flammable liquid due to the lack of space in the cabinet.

Air France also states the requirement to store hazardous materials in a cabinet will increase the number of times that hazardous materials must be handled at the warehouse and therefore increases the risk of mishap. It argues ''the obvious potential for delays and diversions'' distinguishes this storage cabinet requirement from lack of information in PD–12(R) on which to base a decision whether the New York secondary containment requirement

''actually cause[d] delays or diversions in the transportation of hazardous materials.'' It states HFD was being irrational in treating it differently from ''retail establishments like a Home Depot or a Wal-Mart'' which it states are allowed to store many more times the amount of flammable and combustible liquids before exceeding the ''exempt'' limits.

In response, the City states these storage cabinets or ''lockers were not and are not mandated by the City,'' but, rather,

> The installation and use of the lockers was in fact proposed by Air France as an alternative to complying with standard facility safety systems and construction requirements applicable to buildings in which hazardous materials over an exempt amount are stored. This includes such basic items as sprinkler systems adequate to contain a hazardous materials incident, ventilation systems, emergency power supplies for these systems, and secondary containment requirements that are required by the Houston Fire Code for all buildings in which hazardous materials over a certain volume are stored. Had these measures been installed as part of the building's construction, or thereafter, the lockers would not be necessary. In other words, the lockers provide an equivalent level of safety to local facilities construction requirements. The alternative to using the lockers would be to install the safety measures that are basic to any local facility that stores hazardous materials.

The City also states the ''Fire Code provisions applicable to facilities construction'' are ''of particular importance in Houston because the City has no zoning requirements,'' and ''a warehouse in which hazardous materials are stored may be located next to a school or a neighborhood.'' It asserts if there is ''preemption on the facilities issues, the City could be left without the power to require such basic items as sprinkler systems and secondary containment systems in facilities throughout the City where hazardous materials are stored.'' The City asks that any decision of preemption ''be limited to on-airport property.'' In its reply comments, the City states the ''public interest would be served by establishing the extent to which any preemption determination in this docket is applicable not just to the City but other municipalities, airports, and entities.''

The City also acknowledges that any differing ''packaging requirements applicable to the air transportation of hazardous materials are preempted by federal law.'' It disputes the arguments of several commenters, including FedEx and the American Trucking Associations, that a requirement for storage cabinets or lockers is preempted as a packaging requirement and refers to PD–5(R), Massachusetts Requirement for an Audible Back-up Alarm on Bulk Tank Carriers Used to Deliver Flammable Material, 58 FR 62707 (Nov. 29, 1993). In this determination, PHMSA found a ''back-up'' alarm is not ''a part of the package or container in which flammable materials are transported'' and also stated a '' 'package or container that is represented, marked, certified or sold as qualified for use in the transportation of hazardous materials' * * * does not include the equipment or vehicle used to hold or transport that 'package or container.' '' *Id.* at 62710.

American Trucking Associations (ATA), FedEx, DGAC, and RSCC all argue the requirement for temporarily storing hazardous materials at IAH in a storage cabinet conflicts with the packaging requirements in the HMR. ATA and FedEx assert the ''specialized storage cabinet is nothing more than a temporary additional packaging that complicates the loading and unloading processes'' because this requirement means ''hazardous materials that are being transferred from one vehicle, across a dock, into another vehicle [must be] temporarily placed in a hazardous materials storage cabinet.'' RSCC states a requirement for secondary containment, including the use of a storage cabinet or locker, challenges ''the adequacy of the packaging for hazmat in transportation—a covered subject under 49 U.S.C. 5125(b) in which the community has no discretion to regulate.'' DGAC states:

> The required use of storage cabinets certainly is a form of packing or repacking that goes beyond the extensive federal packaging requirements; and the required secondary containment certainly is a form of handling since special handling would be necessary to place packages in some form of secondary containment.

ATA and FedEx also argue the City's requirements for ''transloading operations'' and the storage of hazardous materials in excess of certain quantities in storage cabinet requirements ''go far beyond the requirements of the HMRs and create an obstacle to the transportation of hazardous materials.'' ATA states ''on at least one occasion, the Applicant has been forced to delay transportation of hazardous materials as a result of the Houston Fire Code requirements,'' according to Air France's application. ATA also contends the City's ''secondary containment requirements will lead transportation carriers to locate their facilities outside of Houston, thereby requiring the transportation of greater quantities of hazardous materials for greater distances.'' It states the possible ''diversion[s] of hazardous materials to neighboring jurisdictions * * * result in additional vehicle miles traveled and additional time that the hazardous materials must remain in transportation,'' which create ''obstacles to the safe and efficient transportation of hazardous materials.''

Lynxs states the storage lockers ''provide effective protections'' but ''inhibit[] the free flow of materials to and from the aircraft and create extra handling in some cases'' and are ''not consistent with our understanding of [PHMSA] design intentions in the case of air cargo facilities.'' IATA states differing local requirements on the transportation of hazardous materials will ''complicate the procedures that apply to transportation companies'' and ''also add to the confusion of employees who are being trained in the proper handling of hazardous materials.'' CORAR states local requirements for storing flammable liquids in cabinets ''pose an obstacle to compliance with the HMR.''

The HMR define ''package'' as ''a packaging plus its contents'' and a ''[p]ackaging means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packing requirements of this subchapter.'' 49 CFR 171.8. Air France transports hazardous materials in individual ''packages'' to and from IAH, and these individual packages may be transferred between Air France and other carriers in the course of transportation. A storage cabinet for temporary in-transit storage at IAH is not any part of a ''package'' or ''packaging.'' Rather than serving as any type of ''packaging,'' the storage cabinets appear to have two entirely different purposes, regardless of whether the cabinets were required by HFD or a ''solution'' worked out with HFD to allow Air France to use its new cargo warehouse: (1) Separation of incompatible materials (*see* sections 7902.1.6 and 8001.11.8), and (2) secondary containment (*see* Sections 7902.5.9 and 8001.10.6, construction requirements).

In contrast to the Fire Code's specific requirements in Sections 7902.1.6 and 8001.11.8 for separating ''incompatible'' materials by a 20-foot distance, partitions, or storage cabinets, the HMR require ''packages containing hazardous materials which might react dangerously with one another may not be placed next to each other or in a position that would allow a dangerous

interaction in the event of leakage.'' 49 CFR 175.78(a). The segregation table in § 175.78(b) also sets forth specific classes and divisions of materials which, at a minimum, ''may not be stowed next to or in contact with each other, or in a position which would allow interaction in the event of leakage of the contents.'' These segregation requirements in the HMR apply to the ''handling'' of hazardous materials in temporary storage during transportation. Federal hazardous materials transportation law preempts the separation requirements in sections 7902.1.6 and 8001.11.8 which are not substantively the same as the requirements in the HMR. 49 U.S.C. 5125(b)(1)(B).

Otherwise, the HMR do not contain requirements regarding secondary containment at a facility where hazardous materials are stored during transportation. As stated in PD–12(R), it is ''too broad to read IR–28 as finding that any non-Federal requirement for secondary containment at a transfer facility is unnecessary and an obstacle to the accomplishment and carrying out the HMR.'' 62 FR at 15972. A requirement for secondary containment, including storage cabinets or lockers, does not appear to be inherently inconsistent with the handling or packaging requirements in the HMR, as those terms apply to the standard in 49 U.S.C. 5125(b)(1)(B) that non-Federal requirements on ''the packing, repacking, [and] handling * * * of hazardous materials'' must be ''substantively the same as'' the requirements in the HMR.

In the situation described in Air France's application, a shipment is unloaded from an aircraft or vehicle at IAH, placed in temporary storage, and later removed from temporary storage for loading on the aircraft or vehicle transporting the shipment from IAH. Air France has not explained how the requirement to temporarily store a package containing hazardous materials in a cabinet or locker will change or increase the ''handling'' of hazardous materials shipments between different aircraft or between an aircraft and a motor vehicle. PHMSA does not interpret the City's secondary containment requirements to apply to a shipment which is not actually ''stored'' at IAH, such as when it is possible for the shipment to be ''transferred [directly] from one vehicle, across a dock, into another vehicle,'' as ATA discusses.

The application and comments do not contain sufficient evidence the City's storage cabinet requirements, when considered solely as a means of achieving secondary containment, are likely to cause diversions and delays in the transportation of hazardous materials. Any limitation on the capacity of the storage cabinets does not appear to have resulted directly from the City's requirements, but rather Air France's estimate of how much storage space it would need. There do not appear to be any restrictions preventing Air France from delaying acceptance of a shipment, or holding a shipment at another location, for a short period because the storage lockers constructed by Lynxs are not large enough, especially when Lynxs stated it ''worked closely with Air France personnel, a hazardous materials consultant and the Fire Marshall to find the solution'' of storage cabinets.

In summary, Federal hazardous material transportation law preempts the requirements in sections 7902.1.6 and 8001.11.8 for separation of incompatible materials when applied to hazardous materials being stored at IAH during transportation, because these are ''handling'' requirements which are not substantively the same as the segregation requirements in the HMR. 49 U.S.C. 5125(b)(1)(B). On the other hand, there is insufficient information to find the secondary containment requirements in sections 7901.8 and 8003.1.3.3 in the Fire Code, as enforced and applied including the use of storage cabinets described in sections 7902.5.9 and 8001.10.6, create an obstacle to accomplishing and carrying out the Federal hazardous material transportation law, the regulations issued under that law, or a hazardous materials transportation security regulation or directive issued by DHS.

PHMSA is currently considering adopting further requirements on storage of certain hazardous materials during transportation, in Docket No. PHMSA–2005–22987 (HM–238), ''Hazardous Materials: Requirements for the Storage of Explosives and Other High-Hazard Materials During Transportation,'' 70 FR 69493 (Nov. 16, 2005). The City, Air France, and the other persons who have participated in this proceeding are invited to submit comments in PHMSA's HM–238 rulemaking proceeding.

IV. Ruling

A. Federal hazardous material transportation law preempts the following requirements in the Houston Fire Code as applied by the Houston Fire Department to the temporary storage of hazardous materials during transportation at George Bush Intercontinental Airport, because (a) the designation, description, and classification of hazardous materials in the Fire Code is not substantively the same as in the HMR; (b) these requirements are not substantively the same as requirements in the HMR regarding the use of shipping documents to provide emergency response information in the event of an incident during the transportation of hazardous material; and (c) these requirements require advance notification of the transportation of hazardous materials which creates an obstacle to accomplishing and carrying out the purposes and goals of Federal hazardous material transportation law and the HMR:

1. Sections 105.8.h.1 and 8001.3.1, which require a permit to store, transport on site, dispense, use or handle hazardous materials in excess of certain ''exempt'' amounts listed in Table 105-C of the Fire Code.

2. Sections 105.8.f.3 and 7901.3.1, which require a permit to store, handle, transport, dispense, or use flammable or combustible liquids in excess of the amounts specified in § 105.8.f.3.

3. Sections 8001.3.2 and 8001.3.3, which specify the Houston Fire chief may require an applicant for a permit to provide a hazardous materials management plan and a hazardous materials inventory statement in accordance with the provisions of Appendix II-E of the Fire Code.

B. Federal hazardous material transportation law preempts the separation requirements in sections 7902.1.6 and 8001.11.8 of the Houston Fire Code as applied by the Houston Fire Department to the temporary storage of hazardous materials during transportation at George Bush Intercontinental Airport, because these requirements are not substantively the same as the segregation requirements in 49 CFR 175.78.

C. There is insufficient information to find Federal hazardous material transportation law preempts the secondary containment requirements in sections 7901.8 and 8003.1.3.3 in the Houston Fire Code as enforced and applied by the Houston Fire Department to the temporary storage of hazardous materials during transportation at George Bush Intercontinental Airport, including the construction and capacity requirements for storage cabinets for secondary containment in sections 7902.5.9 and 8001.10.6, because the application and comments do not show (a) it is impossible to comply with both these requirements and the Federal hazardous material transportation law, the regulations issued under that law, or a hazardous materials transportation security regulation or directive issued

by the DHS, or (b) these requirements, as enforced and applied, are likely to cause diversions or delays in the transportation of hazardous materials.

V. Petition for Reconsideration/Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this decision may file a petition for reconsideration within 20 days of publication of this decision in the **Federal Register**. A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final. 49 U.S.C. 5127(a).

This decision will become PHMSA's final decision 20 days after publication in the **Federal Register** if no petition for reconsideration is filed within that time. The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5127(a).

If a petition for reconsideration is filed within 20 days of publication in the **Federal Register**, the action by PHMSA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration will be PHMSA's final action. 49 CFR 107.211(d).

Issued in Washington, DC, on February 15, 2006.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. E6–2503 Filed 2–22–06; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34825]

Gordon Reger—Continuance in Control Exemption—New Amsterdam & Seneca Railroad Company, LLC

Gordon Reger (Reger) has filed a verified notice of exemption to continue in control of New Amsterdam & Seneca Railroad Company, LLC (NASR), upon NASR's becoming a Class III rail carrier.

The transaction was scheduled to be consummated after January 31, 2006, the effective date of this exemption (7 days after the exemption was filed).

This transaction is related to a verified notice of exemption wherein NASR seeks to acquire by lease from Sunny Farms Landfill, LLC (Sunny Farms), and operate approximately 1.25 miles of rail line in Fostoria, OH. *See New Amsterdam & Seneca Railroad Company, LLC—Lease and Operation Exemption—Line in Fostoria, OH*, STB Finance Docket No. 34811. Notice of the exemption was served and published in the **Federal Register** on January 20, 2006 (71 FR 3349–50).[1]

Reger, a noncarrier individual, directly controls Mid Atlantic New England Rail, LLC (Mid Atlantic), a noncarrier. Mid Atlantic, through ownership of GJ Railco Acquisition, LLC, also a noncarrier, controls New York Cross Harbor Railroad Terminal Corp (NYCH), a Class III rail carrier. Thus, Reger indirectly controls NYCH.

Reger also owns New York New Jersey Rail LLC (NYNJ), a newly formed limited liability company. NYNJ and NYCH have filed a verified notice of exemption for a corporate family transaction wherein NYCH seeks to transfer to NYNJ all or substantially all of its railroad assets and intangible assets required for railroad operation. NYNJ would then assume all of NYCH's rights and obligations to provide service as a common carrier. *See New York New Jersey Rail LLC and New York Cross Harbor Railroad Terminal Corp.—Corporate Family Transaction Exemption*, STB Finance Docket No. 34813 (STB served Jan. 10, 2006) (proceeding being held in abeyance until further notice to allow Conrail to discuss its concerns with NYCH regarding the effect of the proposed transaction on NYCH's contractual obligations to Conrail).

Applicant states that: (1) The lines being leased and operated by NASR do not connect with the rail lines in its corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the leased lines with any other rail lines in NASR's corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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. 34825, 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 James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 14, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–2551 Filed 2–22–06; 8:45 am]

BILLING CODE 4915–01–P

[1] NASR and Sunny Farms are both wholly owned subsidiaries of Regus Industries, LLC, which is in turn controlled by Gordon Reger.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–303 (Sub-No. 28X)]

Wisconsin Central Ltd.—Abandonment Exemption—in Ashland County, WI

Wisconsin Central Ltd. (WCL)[1] has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to abandon its line of railroad in Ashland, Ashland County, WI, referred to herein as the ''Ore Dock Line'', starting from a point of switch off WCL's mainline through Ashland at milepost 434.49 and continuing 5,160 feet to the end of WCL's Ashland Ore Dock. The line traverses United States Postal Service Zip Code 54806.

WCL has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line that would have to rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR

[1] WCL is a wholly owned subsidiary of Canadian National Railway Company.

1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice of governmental agencies) has been met.

As a condition to this exemption, any employees adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 25, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 6, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 15, 2006, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to WCL's representative: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606–2832.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

WCL has filed environmental and historic reports which address the effects, if any, of the abandonment on the environmental and historic resources. SEA will issue an environmental assessment (EA) by February 28, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WCL's filing of a notice of consummation by February 23, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*''

Decided: February 14, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 06–1599 Filed 2–22–06; 8:45 am]

BILLING CODE 4915–01–P

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,200. *See* 49 CFR 1002.2(f)(25).

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Raisins produced from grapes grown in California; published 2-22-06

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Business restructuring costs-delegation of authority to make determinations relating to payment; published 2-23-06

Construction contracting; published 2-23-06

Contractor insurance/pension reviews; published 2-23-06

Technical amendment; published 2-23-06

Trade agreement thresholds and Morocco free trade agreement; published 2-23-06

Uniform contract line item numbering; published 2-23-06

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Montana; published 1-24-06

Oregon; published 1-24-06

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Freedom of Information Act Fee Schedule; revision; published 2-23-06

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Turbomeca S.A.; published 1-19-06

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Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Dichlormid; comments due by 2-27-06; published 12-28-05 [FR 05-24470]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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H.R. 4745/P.L. 109–174
Making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes. (Feb. 18, 2006; 120 Stat. 189)

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