

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g), and 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, and 9701.

- 2. Section 16.93 is amended by:
  - a. Removing the first sentence of paragraph (a)(2);
  - b. Revising paragraph (b) introductory text;
  - c. Revising paragraphs (e) and (f).
- Therefore, amend the section to read as follows:

**§ 16.93 Exemption of Tax Division Systems—limited access.**

\* \* \* \* \*

(b) The system of records listed under paragraph (a)(1) of this section is exempted for the reasons set forth below, from the following provisions of 5 U.S.C. 552a:

\* \* \* \* \*

(e) The following system of records is exempt from subsections (c)(3) and (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5): Files of Applicants for Attorney and Non-Attorney Positions with the Tax Division, Justice/TAX-003. These exemptions apply only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(f) Exemption from the particular subsections is justified for the following reasons:

(1) From subsection (c)(3) because an accounting could reveal the identity of confidential sources and result in an unwarranted invasion of the privacy of others. Many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning an applicant for a position with the Tax Division. Disclosure of an accounting could reveal the identity of a source of information and constitutes a breach of the promise of confidentiality by the Tax Division. This would result in the reduction in the free flow of information vital to a determination of an applicant's qualifications and suitability for federal employment.

(2) From subsection (d)(1) because disclosure of records in the system could reveal the identity of confidential sources and result in an unwarranted invasion of the privacy of others. Many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning an applicant for a Tax Division position. Access could reveal the identity of the source of the information and constitute a breach of the promise of confidentiality on the part of the Tax Division. Such breaches ultimately would restrict the free flow of information vital to a determination of

an applicant's qualifications and suitability.

Dated: February 27, 2006.

**Paul R. Cortis,**  
*Assistant Attorney General for Administration.*

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**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**29 CFR Part 1611**

**Privacy Act Fee Schedule**

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission (EEOC or the Commission) is adopting revisions to its Privacy Act fee schedule. The updated schedule of fees conforms to EEOC's Freedom of Information Act (FOIA) fee schedule which was recently updated (70 FR 57510 of October 3, 2005).

**DATES:** *Effective Date:* March 7, 2006.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Schlageter, Assistant Legal Counsel, or Michelle Zinman, Senior General Attorney at (202) 663-4640 (voice) or (202) 663-7026 (TTY). This notice of final rule is also available in the following formats: Large print, Braille, audiotope and electronic file on computer disk. Requests for this notice of final rule in an alternative format should be made to EEOC's Publication Center at 1-800-669-3362.

**SUPPLEMENTARY INFORMATION:** On December 12, 2005, at 70 FR 73413, the EEOC published a notice of proposed rulemaking proposing to amend 29 CFR 1611.11 which concerns the fees assessed to persons who request records under the Privacy Act, 5 U.S.C. 552a. The changes conform the fees charged under the Privacy Act to the fees charged under the FOIA. See 29 CFR 1610.15, as amended by 70 FR 57510 (2005). Comments from the public were due on or before January 11, 2006. No comments were received. Therefore, EEOC is adopting the proposed revisions, without change, as its final rule.

**Regulatory Procedures**

*Executive Order 12866*

Pursuant to Executive Order 12866, EEOC has determined that the regulation 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 or local tribal governments or communities. Therefore, a detailed cost-benefit assessment of the regulation is not required.

*Paperwork Reduction Act*

This rule contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Regulatory Flexibility Act*

The Commission, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

*Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

**List of Subjects in 29 CFR Part 1611**

Privacy Act.

Dated: March 1, 2006.

For the Commission.

**Cari M. Dominguez,**  
*Chair.*

■ Accordingly, for the reasons set forth in the preamble, EEOC amends 29 CFR part 1611 as follows:

**PART 1611—PRIVACY ACT REGULATIONS**

■ 1. The authority citation for part 1611 continues to read as follows:

**Authority:** 5 U.S.C. 552a.

■ 2. Section 1611.11 is revised to read as follows:

**§ 1611.11 Fees.**

(a) No fee shall be charged for searches necessary to locate records. No charge shall be made if the total fees authorized are less than \$1.00. Fees shall be charged for services rendered under this part as follows:

(1) For copies made by photocopy—\$0.15 per page (maximum of 10 copies). For copies prepared by computer, such as tapes or printouts, EEOC will charge the direct cost incurred by the agency, including operator time. For other forms

of duplication, EEOC will charge the actual costs of that duplication.

(2) For attestation of documents—\$25.00 per authenticating affidavit or declaration.

(3) For certification of documents—\$50.00 per authenticating affidavit or declaration.

(b) All required fees shall be paid in full prior to issuance of requested copies of records. Fees are payable to “Treasurer of the United States.”

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 250

RIN 1010–AC96

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Minimum Blowout Prevention (BOP) System Requirements for Well-Workover Operations Performed Using Coiled Tubing With the Production Tree in Place

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule upgrades minimum blowout prevention and well control requirements for well-workover operations on the OCS performed using coiled tubing with the production tree in place. Since 1997, there have been eight coiled tubing-related incidents on OCS facilities. The rule helps prevent losses of well control, and provides for increased safety and environmental protection.

**DATES:** *Effective Date:* This rule becomes effective on April 6, 2006.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Levine, Offshore Regulatory Programs, at (703) 787–1033, Fax: (703) 787–1555, or e-mail at [joseph.levine@mms.gov](mailto:joseph.levine@mms.gov).

**SUPPLEMENTARY INFORMATION:** On June 22, 2004, MMS published a Notice of Proposed Rulemaking (69 FR 34625), titled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Minimum Blowout Prevention (BOP) System Requirements for Well-Workover Operations Performed Using Coiled Tubing with the Production Tree in Place.” The proposed rule had a 60-day comment period that closed on August 23, 2004.

#### Comments on the Rule

MMS received two sets of comments on the proposed rule. The comments came from the Offshore Operators Committee (OOC) and Halliburton, an oilfield service company and are posted at: <http://www.mms.gov/federalregister/PublicComments/rulecomm.htm>. Both sets of comments addressed specific technical issues related to coiled tubing operations.

#### I. OOC Comments on Specific Sections

*Comment on section 250.615(e)(1):* OOC suggested that the “Kill line outlet” reference should be the “Kill line inlet.” This line is used for pumping kill fluid into the well and is not commonly used to flow out of the well.

*Response:* MMS agrees with the suggestion, and revised the requirement.

*Comment on section 250.615(e)(5):* OOC commented that the requirement for hydraulically controlled valves on both lines could be onerous for some situations, such as [plugged and abandoned] operations on dead or depleted wells with less than 3,500 expected pounds per square inch (psi) surface pressure.” They suggested wording should be added to allow exceptions in special situations that would allow leaving the hydraulic actuation requirement off and using manual valves. “Some circumstances require the ability to flow back from both sides of the flow cross unit.” An operator should be allowed to comply by using dual full-opening valves on the kill line inlet. They asked, “Would this BOP rig up configuration comply with this clause?” Also, the commenter questioned the “\* \* \* need to require one valve to be remotely controlled in all BOP rig up cases.” The commenter further suggested, “Possibly for wells with no H<sub>2</sub>S, or for those wells which have lower wellhead pressures, the use of dual manual valves could be sufficient.”

*Response:* MMS agrees that two manual valves can be used on the kill line for all situations provided that a check valve is placed between the manual valves and the pump or manifold. However, the choke line needs to be equipped with two full-opening valves with at least one of these valves being remotely controlled for all operations.

MMS does not consider it a safe practice to use the kill line to flow back fluids through the flow cross because the purpose of the kill line is to pump clean fluids into the wellbore. If the kill line is used to flow back fluids from the well, these well fluids may contain well

debris that could erode critical safety equipment.

*Comment on section 250.615(e)(5):* The proposed provision states, “For operations with expected surface pressure of 3,500 psi or greater, the kill line must be connected to a pump.” OOC recommended that this statement be amended to read: “For operations with expected surface pressure of 3,500 psi or greater, the kill line must be connected to a pump or manifold.”

*Response:* MMS agrees with the suggestion and revised the requirement. In a well control situation, having the kill line connected to a manifold provides an equivalent degree of protection to both personnel and the environment as having the kill line connected to a pump.

*Comment on section 250.615(e)(7):* The proposed provision states, “All connections used in the surface BOP system must be flanged.” OOC asked MMS to clarify that the statement means the equipment shown in the table and does not include kill or flow lines. OOC recommended that all riser connections from wellhead to below the stripper must be flanged when expected surface pressures are greater than 3,500 psi. OOC also recommended that if the expected surface pressure is less than 3,500 psi, the BOP kill inlet valves can be full-opening manual plug (hammer union type) valves.

*Response:* MMS has modified 30 CFR 250.615 (e)(7) to clarify the flanging requirement for the BOP system. All connections in the surface BOP system from the tree to the uppermost required ram, as included in the table at § 250.615(e)(1), need to be flanged, including the connections between the well control stack and the first full-opening valve on the choke line and kill line. This configuration needs to be adhered to for all expected surface pressures. Flanged connections provide better pressure integrity than hammer union type connections. Hammer union type connections are not allowed between the well control stack and the first full-opening valve on either the choke line or the kill line.

*Comment on section 250.616(a)(2):* The proposed provision states, “Ram-type BOPs, related control equipment, including the choke and kill manifolds, and safety valves must be successfully tested to the rated working pressure of the BOP equipment or as otherwise approved by the District Manager.” OOC recommended that this clause be changed to state, “Ram-type BOPs, related control equipment, including the choke and kill manifolds, and safety valves must be successfully tested to 1,500 psi above the maximum expected