any State, local or tribal governments or the private sector. Similarly, EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, today's rule is not subject to the requirements of section 203 of the UMRA.

5. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among various levels of government." This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132. This rule addresses the authorization of preexisting State rules. Thus, Executive Order 13132 does not apply to this rule.

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (59 FR 22951, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This rule does not have tribal implications, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045 applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency 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 the Agency. This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a "significant regulatory action" as defined under Executive Order 12866.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rule does not involve "technical standards" as defined by the NTTAA. Therefore, EPA is not considering the use of any voluntary consensus standards.

10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of

Puerto Rico, and the Commonwealth of the Mariana Islands. Because this rule addresses authorizing pre-existing State rules and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

11. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule, although not a major rule, will be effective on the June 13, 2006.

List of Subjects in 40 CFR Part 271

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

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

Dated: April 5, 2006.

L. Michael Bogert,
Regional Administrator, EPA Region 10.
[FR Doc. 06–3547 Filed 4–13–06; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 533 and 537

[Docket No. NHTSA 2006–24309]

RIN 2127–AJ61

Average Fuel Economy Standards for Light Trucks Model Years 2008–2011

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

ACTION: Final rule; correction.

SUMMARY: The National Highway Traffic Safety Administration published in the **Federal Register** of April 6, 2006, a final rule establishing Corporate Average Fuel Economy (CAFE) standards for light trucks manufactured in model years 2008 through 2011. Inadvertently, the document had the wrong docket number; footprint and target fuel economy values provided in example calculations did not have the correct number of decimal places; the definition of "footprint" in the regulatory text was incorrect; and Figure 1 of the regulatory text incorrectly referenced "model," as opposed to "model type." Additionally, there was a typographical error in the regulatory text regarding the flat floor provision. This document makes the appropriate corrections.

EFFECTIVE DATE: August 4, 2006. Petitions for reconsideration must be received by May 22, 2006.

FOR FURTHER INFORMATION CONTACT: For technical issues, call Ken Katz, Lead Engineer, Fuel Economy Division, Office of International Vehicle, Fuel Economy, and Consumer Standards, at (202) 366–0846, facsimile (202) 493–2290, electronic mail *kkatz@nhtsa.dot.gov.* For legal issues, call Stephen Wood or Christopher Calamita of the Office of the Chief Counsel, at (202) 366–2992, or e-mail them at *swood@nhtsa.dot.gov* or *ccalamita@nhtsa.dot.gov.*

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration published in the **Federal Register** of April 6, 2006, (71 FR 17566) a final rule establishing fuel Corporate Average Fuel Economy (CAFE) standards for light trucks manufactured in model years 2008 through 2011. Inadvertently, the document had the wrong docket number; footprint and target fuel economy values provided in example calculations did not have the correct number of decimal places; the regulatory text incorrectly incorporated the proposed definition of "footprint," as opposed to the final definition discussed in the preamble of the final rule; and Figure 1 of the regulatory text incorrectly referenced "model" instead of "model type."

This document provides the correct docket number, amends the footprint values in example calculations such that the footprint values are provided to the nearest tenth of a square foot, amends the fuel economy target values in example calculations such that the target values are provided to the nearest hundredth mile per gallon, amends the definition of "footprint" to clarify the precision of the value and reflect the definition discussed in the preamble, and amends Figure 1 by referencing "model type." Additionally, this document corrects a typographical error in the "flat floor" regulatory text, *i.e.,* "flat-leveled cargo surface" is corrected to read "flat, leveled cargo surface."

In FR Docket No. NHTSA 2006–24306 published on April 6, 2006 (71 FR 17566) make the following corrections.

On page 17566, in the first column, the Docket number is revised to read, "NHTSA No. 2006–24309."

On page 17608, Table 5 is revised to read as follows,

TABLE 5.—ILLUSTRATIVE EXAMPLE OF METHOD OF ASSESSING COMPLIANCE UNDER A CONTINUOUS FUNCTION APPROACH

Model	Fuel economy (mpg)	Production (units)	Footprint (sq. ft.)	Footprint target (mpg)
A	27.0	100,000	43.0	27.53
B	24.0	100,000	42.0	27.93
C	22.0	100,000	52.0	23.71
D	19.0	100,000	54.0	23.15

On page 17609, at the top of the page, the formula labeled "Required CAFE Level" is revised to read as follows,

$$\text{Required CAFE Level} = \frac{400,000}{\dfrac{100,000}{27.53 \text{ mpg}} + \dfrac{100,000}{27.93 \text{ mpg}} + \dfrac{100,000}{23.71 \text{ mpg}} + \dfrac{100,000}{23.15 \text{ mpg}}} = 25.4 \text{ mpg}$$

On page 17676, in the first column, the definition of "*Footprint,*" is revised to read, "*Footprint* is defined as the product of track width (measured in inches and rounded to the nearest tenth of an inch) times wheelbase (measured in inches and rounded to the nearest tenth of an inch) divided by 144 and then rounded to the nearest tenth of a square foot. For purposes of this definition, track width is the lateral distance between the centerlines of the base tires at ground, including the camber angle. For purposes of this definition, wheelbase is the longitudinal distance between front and rear wheel centerlines."

On page 17676, in the third column, paragraph (ii) is revised to read, "For light trucks manufactured in model year 2008 and beyond, for vehicles equipped with at least 3 rows of designated seating positions as standard equipment, permit expanded use of the automobile for cargo-carrying purposes or other nonpassenger-carrying purposes through the removal or stowing of foldable or pivoting seats so as to create a flat, leveled cargo surface extending from the forwardmost point of installation of those seats to the rear of the automobile's interior."

On the bottom of page 17676 and continuing on the top of page 17677, between Table IV and V, Figure 1 is revised to read as follows,

FIGURE 1

$$Required\_Fuel\_Economy\_Level = \frac{N}{\sum_i \dfrac{N_i}{T_i}}$$

Where:

N is the total number (sum) of light trucks produced by a manufacturer, N_i is the number (sum) of the ith light truck model type produced by the manufacturer, and T_i is fuel economy target of the ith light truck model type, which is determined according to the following formula, rounded to the nearest hundredth:

$$T = \frac{1}{\dfrac{1}{a} + \left(\dfrac{1}{b} - \dfrac{1}{a}\right) \dfrac{e^{(x-c)/d}}{1 + e^{(x-c)/d}}}$$

Where:

Parameters a, b, c, and d are defined in § 533.3 Table V;
e = 2.718; and
x = footprint (in square feet, rounded to the nearest tenth) of the model type

On page 17677, in the second column, Appendix A Table 1, is revised to read as follows:

"Appendix A Table 1"

Model	Fuel economy	Volume	Footprint (ft²)
A	27.0	1,000	42.0
B	25.6	1,500	44.0
C	25.4	1,000	46.0
D	22.1	2,000	50.0
E	22.4	3,000	55.0
F	20.2	1,000	66.0

Note to Appendix A Table 1. Manufacturer X's required corporate average fuel economy level under § 533.5(g) would be calculated by first determining the fuel economy target applicable to each vehicle as illustrated in "Appendix A Figure 1:"

On page 17677, in the third column, Appendix A Figure 1 is revised to read as follows:

"Appendix A Figure 1"

Model	Footprint (ft²)	MY 2008 fuel economy target (mpg)
A	42.0	26.20
B	44.0	25.50
C	46.0	24.80
D	50.0	23.30
E	55.0	21.70

Model	Footprint (ft²)	MY 2008 fuel economy target (mpg)
F	66.0	20.30

Note to Appendix A Figure 1. Accordingly, vehicle models A, B, C, D, E, and F would be compared to fuel economy values of 26.20, 25.50, 24.80, 23.30, 21.70, and 20.30 mpg, respectively. With the appropriate fuel economy targets calculated, Manufacturer X's required fuel economy would be calculated as illustrated in "Appendix A Figure 2."

On page 17677, Appendix A Figure 2, is revised to read as follows:

Appendix A Figure 2

Manufacturer's Light Truck Production for Applicable Model Year

$$= \frac{\dfrac{Model\ A\ Volume}{Model\ A\ Target} + \dfrac{Model\ B\ Volume}{Model\ B\ Target} + \dfrac{Model\ C\ Volume}{Model\ C\ Target} + \dfrac{Model\ D\ Volume}{Model\ D\ Target} + \dfrac{Model\ E\ Volume}{Model\ E\ Target} + \dfrac{Model\ F\ Volume}{Model\ F\ Target}}{}$$

$$= \frac{1,000}{26.20} + \frac{1,500}{25.50} + \frac{1,000}{24.80} + \frac{2,000}{23.30} + \frac{3,000}{21.70} + \frac{1,000}{20.30}$$

$$= 23.1\ mpg$$

Issued: April 7, 2006.

Ronald Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 06–3533 Filed 4–11–06; 3:08 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU22; 1018–AI48

Endangered and Threatened Wildlife and Plants; Final Rule To Remove the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy-owl (Glaucidium brasilianum cactorum) From the Federal List of Endangered and Threatened Wildlife; Withdrawal of the Proposed Rule To Designate Critical Habitat; Removal of Federally Designated Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; withdrawal of proposed rule; removal of critical habitat designation.

SUMMARY: We, the Fish and Wildlife Service (Service), under the authority of the Endangered Species Act of 1973 (Act), as amended, have determined that it is appropriate to remove the Arizona distinct population segment (DPS) of the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) (pygmy-owl) from the Federal List of Endangered and Threatened Wildlife and, accordingly, also remove designated critical habitat for this DPS found in the Code of Federal Regulations (CFR) at 50 CFR 17.95. Additionally, we are withdrawing the proposed rule to designate new critical habitat for the Arizona DPS of the pygmy-owl (67 FR 7103, November 27, 2002). The Arizona DPS of the pygmy-owl was listed as endangered on March 10, 1997 (62 FR 10730), and critical habitat was designated on July 12, 1999 (64 FR 37419). On January 9, 2001, a coalition of plaintiffs filed a lawsuit with the District Court of Arizona challenging the validity of our listing of the pygmy-owl as a DPS and the designation of its critical habitat. After the District Court remanded the designation of critical habitat (*National Association of Home Builders et al.* v. *Norton*, Civ.–00–0903–PHX–SRB), we proposed a new critical habitat designation on November 27, 2002 (67 FR 7103). Ultimately, as a result of this lawsuit, the United States Court of Appeals for the Ninth Circuit issued an

opinion on August 19, 2003, stating that ''the FWS acted arbitrarily and capriciously in designating the Arizona pygmy-owl population as a DPS under the *DPS Policy*'' (*National Association of Homebuilders* v. *Norton*, 340 F.3d 835, 852 (9th Cir. 2003)). In light of the Ninth Circuit's opinion, we have reassessed the application of the DPS significance criteria to the Arizona population of the pygmy-owl. Based on a review of the available information and science, the public comments received during the public comment period, and our DPS policy, we do not believe that the Arizona DPS of the pygmy-owl qualifies as an entity that can be listed under the Act.

DATES: This rule is effective May 15, 2006.

ADDRESSES: The administrative record for these actions is available for inspection, by appointment, during normal business hours at the Arizona Ecological Services Office, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021–4951.

FOR FURTHER INFORMATION CONTACT: Steve Spangle, Field Supervisor (see **ADDRESSES**) (telephone 602/242–0210; facsimile 602/242–2513).

SUPPLEMENTARY INFORMATION:

Background

The cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) (pygmy-owl) is in the order Strigiformes and the family Strigidae. It is a small bird, approximately 17 centimeters (cm) (6.75 inches (in)) long. Males average 62 grams (g) (2.2 ounces (oz)), and females average 75 g (2.6 oz). The pygmy-owl is reddish brown overall, with a cream-colored belly streaked with reddish brown. Color may vary, with some individuals being more grayish brown. The crown is lightly streaked, and a pair of black/dark brown spots, outlined in white, occurs on the nape suggesting ''eyes.'' This species lacks ear tufts, and the eyes are yellow. The tail is relatively long for an owl and is colored reddish brown with darker brown bars (Proudfoot and Johnson 2000). The pygmy-owl is primarily diurnal (active during daylight) with crepuscular (active at dawn and dusk) tendencies. These owls can be heard making a long, monotonous series of short, repetitive notes, mostly during the breeding season (Proudfoot and Johnson 2000).

The pygmy-owl is one of four subspecies of the ferruginous pygmy-owl. It occurs from lowland central Arizona south through western Mexico to the States of Colima and Michoacan, and from southern Texas south through the Mexican States of Tamaulipas and

Nuevo Leon. Only the Arizona population of the pygmy-owl was listed as an endangered species (62 FR 10730; March 10, 1997).

Historically, pygmy-owls were recorded in association with riparian woodlands in central and southern Arizona (Bendire 1892; Gilman 1909; Johnson *et al.* 1987). Plants present in these riparian communities included cottonwood (*Populus fremontii*), willow (*Salix* spp.), ash (*Fraxinus velutina*), and hackberry (*Celtis* spp.). However, recent records have documented pygmy-owls in a variety of vegetation communities such as riparian woodlands, mesquite (*Prosopis velutina* and *P. glandulosa*) bosques (woodlands), Sonoran desertscrub, semidesert grassland, and Sonoran savanna grassland communities (Monson and Phillips 1981; Johnson and Haight 1985; Proudfoot and Johnson 2000) (see Brown 1994 for a *description* of these vegetation communities). While native and nonnative plant species composition differs among these communities, there are certain unifying characteristics such as (1) the presence of vegetation in fairly dense thickets or woodlands, (2) the presence of trees, saguaros (*Carnegiea giganteus*), or other columnar cacti large enough to support cavities for nesting, and (3) elevations below 1,200 meters (m) (4,000 feet (ft)) (Swarth 1914; Karalus and Eckert 1974; Monson and Phillips 1981; Johnsgard 1988; Enriquez-Rocha *et al.* 1993; Proudfoot and Johnson 2000). Large trees provide canopy cover and cavities used for nesting, while the density of mid- and lower-story vegetation provides foraging habitat and protection from predators and contributes to the occurrence of prey items (Wilcox *et al.* 2000).

Distinct Vertebrate Population Segment

We must consider a species for listing under the Act if available information indicates that such an action might be warranted. ''Species'' is defined by the Act as including any subspecies of fish and wildlife or plants, and any distinct vertebrate population segment of fish or wildlife that interbreeds when mature (16 U.S.C. 1532(16)). We, along with the National Marine Fisheries Service (National Oceanic and Atmospheric Administration—Fisheries), developed the Policy Regarding the Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act (DPS Policy) (61 FR 4722, February 7, 1996) to help us in determining what constitutes a DPS. Under this policy, we use three elements to assess whether a population under consideration for listing may be recognized as a DPS: (1)