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WHEN: Tuesday, May 9, 2006
9:00 a.m.–Noon

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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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Presidential Documents

Title 3—

The President

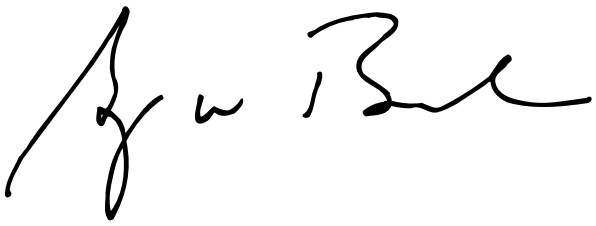
Memorandum of April 6, 2006

Assignment of Reporting Function on Iraq Policy Under the National Defense Authorization Act for Fiscal Year 2006

Memorandum for the Secretary of State

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the functions of the President under section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

You are authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 6, 2006.

[FR Doc. 06–3634
Filed 4–13–06; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

Federal Register
Vol. 71, No. 72
Friday, April 14, 2006

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Fenbendazole Granules

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Intervet, Inc. The supplemental NADA provides for minor changes to the labeling of over-the-counter fenbendazole granules, used for the treatment and control of certain internal parasites in dogs.

DATES: This rule is effective April 14, 2006.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Intervet, Inc., P.O. Box 318, 29160 Intervet Lane, Millsboro, DE 19966, filed a supplement to NADA 121–473 that provides for over-the-counter use in dogs of SAFE-GUARD (fenbendazole) Canine, orally administered granules used for the treatment and control of certain internal parasites. The supplemental NADA provides for minor changes to product labeling. The supplemental NADA is approved as of March 17, 2006, and the regulations are amended in 21 CFR 520.905b to reflect the approval.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.905b [Amended]

■ 2. In paragraph (d)(2)(ii) of § 520.905b, remove the word ''removal'' and add, in its place, the words ''treatment and control''.

Dated: April 6, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 06–3586 Filed 4–13–06; 8:45 am]

BILLING CODE 4160–01–S

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in May 2006. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: Effective May 1, 2006.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) Adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during May 2006, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during May 2006, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the

PBGC's historical methodology for valuation dates during May 2006.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 5.90 percent for the first 20 years following the valuation date and 4.75 percent thereafter. These interest assumptions represent an increase (from those in effect for April 2006) of 0.30 percent for the first 20 years following the valuation date and are otherwise unchanged. These interest assumptions reflect the PBGC's recently updated mortality assumptions, which are effective for terminations on or after January 1, 2006. See the PBGC's final rule published December 2, 2005 (70 FR 72205), which is available at *http://www.pbgc.gov/docs/05-23554.pdf*. Because the updated mortality assumptions reflect improvements in mortality, these interest assumptions are higher than they would have been using the old mortality assumptions.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for April 2006) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during May 2006, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 151, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
151	5–1–06	6–1–06	3.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 151, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
151	5–1–06	6–1–06	3.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for May 2006, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*	*	*	*	*	
May 2006	.0590	1–20	.0475	>20	N/A	N/A

Issued in Washington, DC, on this 7th day of April 2006.

Vincent K. Snowbarger,

Deputy Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 06–3572 Filed 4–13–06; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 147 and/or 165

[USCG–2006–24413]

Quarterly Listings; Safety Zones, Security Zones and Special Local Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between October 1, 2005 and December 31, 2005, which were not published in the **Federal Register**. This quarterly notice lists special local regulations, security zones, and safety zones, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective and were terminated between October 1, 2005 and December 31, 2005.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20593–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this notice contact Ms. Lesley Mose, Office of Regulations and Administrative Law, telephone (202) 267–1477. For questions on viewing, or on submitting material to the docket, contact Ms. Angie Ames, Program Manager, Docket Operations, telephone 202–366–5115.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to prevent injury or damage to vessels, ports, or waterfront facilities and may also describe a zone around a vessel in motion. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these rules in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these special local regulations, security zones, or safety zones by Coast Guard officials' on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these special local regulations, security zones, and safety zones regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones regulations listed in this notice have been exempted from review under Executive Order 12866, Regulatory Planning and Review, because of their emergency nature, or limited scope and temporary effectiveness.

The following rules were placed in effect temporarily during the period from October 1, 2005, through December 31, 2005, unless otherwise indicated.

Dated: April 5, 2006.

S.G. Venckus,

Chief, Office of Regulations and Administrative Law.

Docket No.	Location	Type	Date
CGD01–05–093	Boston, MA	Safety Zones (Parts 147 and 165)	10/5/2005
CGD05–05–121	Virginia Beach, VA	Safety Zones (Parts 147 and 165)	10/1/2005
CGD05–05–132	Norfolk, VA	Safety Zones (Parts 147 and 165)	11/22/2005
CGD05–05–133	Annapolis, MD	Security Zones (Part 165)	11/30/2005
CGD05–05–134	James River, VA	Safety Zones (Parts 147 and 165)	11/28/2005
CGD05–05–135	James River, VA	Safety Zones (Parts 147 and 165)	12/1/2005
CGD05–05–136	James River, VA	Safety Zones (Parts 147 and 165)	12/5/2005
CGD05–05–500	Cape Fear River, NC	Safety Zones (Parts 147 and 165)	12/26/2005
CGD07–05–137	Jacksonville, FL	Special Local Regulations (Part 100)	11/26/2005
CGD07–05–150	Savannah, GA	Special Local Regulations (Part 100)	11/26/2005
CGD07–05–151	Charleston, SC	Special Local Regulations (Part 100)	12/3/2005
CGD09–05–129	Waugoshance Light House, MI	Safety Zones (Parts 147 and 165)	10/5/2005
CGD09–05–132	Chicago, IL	Safety Zones (Parts 147 and 165)	11/5/2005
CGD09–05–133	Milwaukee, WI	Safety Zones (Parts 147 and 165)	11/17/2005

Docket No.	Location	Type	Date
CGD09–05–134	Chicago, IL	Safety Zones (Parts 147 and 165)	11/19/2005
CGD09–05–136	Charlevoix, MI	Safety Zones (Parts 147 and 165)	12/7/2005
CGD09–05–138	Cleveland, OH	Safety Zones (Parts 147 and 165)	12/20/2005
CGD11–05–029	Rio Vista, CA	Special Local Regulations (Part 100)	10/14/2005
CGD11–05–030	San Francisco Bay, CA	Special Local Regulations (Part 100)	10/6/2005
CGD11–05–032	San Francisco Bay, CA	Special Local Regulations (Part 100)	10/8/2005
CGD11–05–033	San Francisco Bay, CA	Special Local Regulations (Part 100)	11/2/2005
CGD13–05–039	Puget Sound, WA	Security Zones (Part 165)	10/24/2005
COTP Charleston–05–133.	Charleston, SC	Safety Zones (Parts 147 and 165)	10/11/2005
COTP Jacksonville–05–121.	Jacksonville Beach, FL	Safety Zones (Parts 147 and 165)	11/3/2005
COTP Jacksonville–05–128.	Port Canaveral, FL	Security Zones (Part 165)	10/2/2005
COTP Jacksonville–05–129.	Port Canaveral, FL	Security Zones (Part 165)	10/7/2005
COTP Jacksonville–05–131.	Port Canaveral, FL	Security Zones (Part 165)	10/10/2005
COTP Jacksonville–05–132.	Port Canaveral, FL	Security Zones (Part 165)	10/19/2005
COTP Jacksonville–05–144.	Port Canaveral, FL	Safety Zones (Parts 147 and 165)	10/26/2005
COTP Jacksonville–05–160.	Kissimmee, FL	Safety Zones (Parts 147 and 165)	12/10/2005
COTP Jacksonville–05–161.	Jacksonville, FL	Safety Zones (Parts 147 and 165)	12/6/2005
COTP Jacksonville–05–169.	Vilano Beach, FL	Safety Zones (Parts 147 and 165)	12/29/2005
COTP Key West–05–136.	Monroe County, FL	Safety Zones (Parts 147 and 165)	10/3/2005
COTP San Francisco Bay–05–009.	San Francisco Bay, CA	Security Zones (Part 165)	11/7/2005
COTP San Francisco Bay–05–010.	San Francisco Bay, CA	Safety Zones (Parts 147 and 165)	12/12/2005
COTP San Juan–05–147.	Puerto Rico	Security Zones (Part 165)	10/28/2005
COTP San Juan–05–157.	Guayanilla, PR	Safety Zones (Parts 147 and 165)	11/23/2005
COTP Savannah–05–148.	Savannah, GA	Security Zones (Part 165)	11/2/2005
COTP St. Petersburg–05–152.	Cape Coral, FL	Safety Zones (Parts 147 and 165)	11/7/2005
COTP St. Petersburg–05–119.	Tampa Bay, FL	Safety Zones (Parts 147 and 165)	10/7/2005
COTP St. Petersburg–05–134.	Clearwater, FL	Safety Zones (Parts 147 and 165)	10/8/2005

[FR Doc. 06–3563 Filed 4–13–06; 8:45 am]
BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2005–MO–0007; FRL–8158–7]

Finding of Substantial Inadequacy of Implementation Plan; Call for Missouri State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing our December 19, 2005, proposed finding that the Missouri State Implementation Plan (SIP) for lead is substantially inadequate to attain or maintain the National Ambient Air Quality Standard (NAAQS) for lead within the city limits of Herculaneum, Missouri. Pursuant to our authority in the Clean Air Act to call for plan revisions, the SIP has been found inadequate to attain and maintain the NAAQS within this portion of Jefferson County, as evidenced by three quarters of monitored violations in 2005. These violations occurred despite implementation of all control measures contained in the SIP, including all contingency measures established to address violations. EPA received comments on this proposal and is responding to these comments in this rulemaking. This rulemaking requires Missouri to revise the SIP to meet all of the applicable requirements of section 110 and part D of Title I of the Clean Air Act with respect to lead in the nonattainment area. The state is required to submit revisions to the SIP within twelve months of this final rulemaking. The SIP is required to provide for attainment of the lead NAAQS in the Herculaneum nonattainment area as expeditiously as practicable, but no later than two years after issuance of this final rule. If the state fails to submit a revised SIP by the deadline, it will be subject to sanctions under the provisions of the Clean Air Act.

DATES: This rule is effective on May 15, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2005–MO–0007. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, KS. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Gwen Yoshimura at (913) 551–7073, or E-mail her at *yoshimura.gwen@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA.

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Background and Submittal Information

What is a SIP?

Section 110 of the Clean Air Act (CAA or Act) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. For areas which are not meeting the ambient standards for any of these pollutants, part D of Title I of the CAA contains additional SIP requirements which must be met in such areas.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP. Each Federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the background for the finding?

EPA established the National Ambient Air Quality Standard (NAAQS) for lead on October 5, 1978 (43 FR 46246). The standard for lead is set at a level of 1.5 micrograms (μg) of lead per cubic meter (m3) of air, averaged over a calendar quarter.

During the 1980s and 1990s, Missouri submitted and EPA approved a number of SIP revisions for lead to address ambient lead problems in various areas of the state. One such area was in Herculaneum, Missouri, which is the site of the Doe Run primary lead smelter. Doe Run-Herculaneum is the only currently operating primary lead smelter in the United States.

The most recent SIP revisions for the Doe Run-Herculaneum area were approved in the **Federal Register** on May 16, 2002 (67 FR 18497). The SIP established August 14, 2002, as the attainment date for the area and satisfied the nonattainment area requirements in the CAA. The SIP contained control measures to reduce lead emissions to attain the standard, and contingency measures, as required by section 172(c)(9) of the Act, to achieve emission reductions in the event of future violations. In addition, the plan outlined contingency measures that would be implemented in the event that there were future violations of the lead standard in Herculaneum.

After the August 2002 attainment date, the Herculaneum area monitored attainment of the lead standard for 10 consecutive calendar quarters. However, air quality monitors in the area reported exceedances of the standard in the first three calendar quarters in 2005 even though Doe Run has implemented all control measures contained in the 2001 SIP revision. Doe Run has also implemented all of the contingency measures required by the current SIP. The values for each of the three quarters exceed the 1.5 $\mu g/m^3$ lead standard, and therefore constitute violations of the standard for each quarter.

As such, because the violations recorded in 2005 have occurred despite implementation of all the control measures contained in the SIP, including all contingency measures that were to address the violations, EPA finds that the SIP is substantially inadequate to attain and maintain the NAAQS for lead.

For more information on the background on Doe Run-Herculaneum and the basis for the finding, please refer to the Proposed Rule, published December 19, 2005 (70 FR 75093).

EPA's Final Action

What comments were received on the December 19, 2005, proposal and what is EPA's response?

The proposed SIP call solicited comments on all aspects of the proposal, and specifically requested comments on the following proposed actions relating to the Missouri SIP for lead in the Herculaneum nonattainment area:

1. Find that the SIP is substantially inadequate to attain and maintain the NAAQS for lead in the area;

2. Require that Missouri revise the SIP to meet all of the applicable requirements of section 110 and part D of Title I of the Act with respect to lead in the nonattainment area;

3. Require the state to submit revisions to the SIP within twelve months of the final rulemaking;

4. Require that the SIP provide for attainment of the lead NAAQS in the Herculaneum nonattainment area as expeditiously as practicable, but no later than two years after issuance of the final rule.

EPA received seven written comments in response to the proposed findings noted above. Five of the seven comments related to health concerns and general support for EPA's proposed action. One commenter voiced specific support of the proposed timeline and rule. One commenter supported a shorter timeframe for attainment of the standard. However, this commenter interpreted the proposed timeframe incorrectly, stating that it provided for three years for Doe Run to demonstrate attainment, instead of the proposed two. The comment is further addressed below. No commenters opposed finding the SIP substantially inadequate and finding that it must be revised as described in the proposal (proposed actions 1 and 2 identified above). With the exception of the aforementioned commenter (who advocates for a shorter timeframe) none of the commenters specifically disputed the proposed timeframe for SIP submission and attainment of the standard.

EPA sets forth below a summary of the comments received and our responses.

Issue 1: Timeframe

Comment 1: One commenter states that the proposed rule would provide one year for SIP development and then another two years before attainment

must be demonstrated, totaling three years before attainment must be demonstrated. The commenter states that this time period is too long.

Response to Comment 1: The time period outlined in the comment is incorrect. The timeframe proposed in the SIP call provides one year for SIP development following date of signature of the final rule, and two years after signature of the final rule to attain the standard. EPA based this timeframe on available information as described in the proposed SIP call finding (70 FR 75093, 75094, 75095). In particular, EPA explained that the applicable requirement of the CAA, section 110(k)(5), provides that after making a finding of substantial inadequacy, EPA is authorized to establish a reasonable time, not to exceed 18 months, for the state to correct the inadequacy. EPA also stated that a SIP submittal date of less than 18 months would be reasonable since Missouri had been working to address the violations of the lead standard since at least April 2005. In its comment supporting the 12-month submittal deadline, Missouri stated that because of administrative requirements under state law, Missouri ordinarily needs 18 months to complete rulemaking. In this instance, however, Missouri agreed that 12 months is a reasonable deadline for submittal of the revisions needed to correct the deficiencies.[1] The commenter did not provide any information indicating that the revisions could be submitted in a shorter timeframe. Therefore, for the reasons set forth above and in the proposal, we have determined that the submittal date for the SIP required by this rulemaking will be 12 months from the date of signature of this final rule.

With respect to the attainment date for the Herculaneum area, we noted in the proposal that the attainment date was August 2002,[2] and that the attainment date must be adjusted because it has elapsed.[3] For reasons discussed in the proposal,[4] including the fact that the state had already identified several control measures which could be implemented in the near term, EPA proposed an attainment date of no later than two years from the date of signature of the final rule. In its comments the state supported this date. The commenter did not provide any information indicating that attainment could be achieved sooner.[5]

Based on the available information, EPA is establishing an attainment date requiring attainment as expeditiously as practicable, but no later than two years following signature of this final rule. As no information has been presented showing that this timeframe is not reasonable, EPA is adopting the timeframe stated in the proposal.

Issue 2: Health Effects of Lead

Comment 2: Several commenters described the adverse health effects of lead emissions.

Response to Comment 2: EPA recognizes that lead is a human health concern. Today's action will require the state to address lead emissions by revising the SIP to provide for attainment of the lead standard. EPA believes that this action will result in reductions in lead emissions in the area.

Issue 3: Use of Other EPA Authorities

Comment 3: One commenter requests that EPA use its emergency authority under section 303 of the Clean Air Act to order Doe Run to cease operation until an acceptable SIP is submitted and approved.

Response to Comment 3: As indicated in the proposal, the scope of this rulemaking is to determine whether the Missouri SIP for lead is substantially inadequate and, if so, to determine the appropriate schedule for the state to correct the inadequacies. Use of EPA's authority under section 303 is therefore outside the scope of this rulemaking.

Comment 4: One commenter (the Missouri Department of Natural Resources) requests that EPA include a provision in the SIP call which would place more of the responsibility for responding to the SIP call on the Doe Run Company. The commenter suggests that this could be accomplished by a ''parallel'' preparation of a Federal Implementation Plan (FIP) in case Doe Run does not cooperate with the state in timely development of a SIP.

Response to Comment 4: EPA intends to monitor the state's progress in meeting the SIP submittal deadline and to take appropriate action to meet its statutory obligations, including promulgation of a Federal plan if the state fails to submit an approvable SIP. Under section 110(c)(1) of the CAA, EPA would be required to promulgate a Federal plan no later than two years after EPA finds that the state has failed to submit a plan, unless EPA approves a SIP revision before the Federal plan is promulgated. Promulgation of a Federal plan, however, is outside the scope of this SIP call, and would be addressed in a separate rulemaking.

Issue 4: NAAQS

Comment 5: One commenter states that there is question as to whether the existing National Ambient Air Quality Standard (NAAQS) for lead reflects current scientific knowledge and protects public health with an adequate margin of safety.

Response to Comment 5: The adequacy of the lead NAAQS is outside the scope of this SIP call. EPA is currently under a court-ordered deadline to complete review of the lead NAAQS (which review includes an assessment of current scientific knowledge) no later than September 1, 2008. More information on the lead NAAQS review may be found at *http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html.*

What action is EPA taking?

For the reasons stated above and in the proposal, EPA is finalizing the following actions relating to the Missouri SIP for lead in the Herculaneum nonattainment area:

1. Finding that the SIP is substantially inadequate to attain and maintain the NAAQS for lead in the area;

2. Requiring that Missouri revise the SIP to meet all of the applicable requirements of section 110 and part D of Title I of the Act with respect to lead in the nonattainment area;

3. Requiring the state to submit revisions to the SIP no later than April 7, 2007;

4. Requiring that the SIP provide for attainment of the lead NAAQS in the Herculaneum nonattainment area as expeditiously as practicable, but no later than April 7, 2008.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). I certify that this final action will not have a significant economic impact on a substantial number of small

[1] In the proposal, EPA identified four plan elements which would be needed to correct the deficiency. These included a revised emissions inventory, a modeled attainment demonstration, adopted control measures shown to be necessary for attainment, and contingency measures.

[2] Five years after EPA notified the state that the area had failed to attain the standard, consistent with the requirements of sections 179(d)(3) and 172(a)(2).

[3] Section 110(k)(5) and 172(d).

[4] 70 FR 75093, 75095.

[5] We note that the CAA requires that the attainment date must be as expeditiously as practicable, so that if in the course of SIP development it is determined that an attainment date less than two years after the date of signature is practicable, the state must identify such earlier attainment date in its SIP submittal.

entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

EPA has determined that this final action does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This action will require the state of Missouri to revise laws and regulations to meet the NAAQS for lead. This requirement would not result in aggregate costs over $100 million to either the state or local districts. It is unclear whether a requirement to submit a SIP revision would constitute a Federal mandate. The obligation for a state to revise its SIP that arises out of sections 110(a) and 110(k)(5) of the CAA is not legally enforceable by a court of law, and at most is a condition for continued receipt of highway funds. Therefore, it is possible to view an action requiring such a submittal as not creating any enforceable duty within the meaning of section 421(5)(9a)(I) of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 658(a)(I)). Even if it did, the duty could be viewed as falling within the exception for a condition of Federal assistance under section 421(5)(a)(i)(I) of UMRA (2 U.S.C. 658(5)(a)(i)(I)).

This final action also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it is in keeping with the relationship and the distribution of power and responsibilities between EPA and the states as established by the CAA. This SIP call is required by the CAA because the current SIP is inadequate to attain the lead NAAQS. Missouri's direct compliance costs will not be substantial because the SIP call requires Missouri to submit only those revisions necessary to address the SIP deficiency and applicable CAA requirements.

Executive Order 13045: ''Protection of Children from Environmental health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) 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. EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it requires attainment of a previously promulgated health-based Federal standard. In addition, it is not economically significant.

Section 12 of the National Technology Transfer and Advancement Act of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with the National Technology Transfer and Advancement Act, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical. In making a finding of a SIP deficiency, EPA's role is to review existing information against previously established standards (in this case, what constitutes a violation of the lead standard). In this context, there is no opportunity to use VCS. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

This final action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Lead, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 7, 2006.

James B. Gulliford,

Regional Administrator, Region 7.

[FR Doc. 06–3592 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0088; FRL–8158–5]

RIN 2060–AM90

National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule amendments to the national emission standards for hazardous air pollutants (NESHAP) for Refractory Products Manufacturing, published in the **Federal Register** on February 13, 2006. We stated in the direct final rule amendments that if we received adverse comment by March 15, 2006, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received adverse comment on the direct final rule amendments. We will address those comments in a subsequent final action based on the parallel proposal also published on February 13, 2006. As stated in the parallel proposal, we will not institute a second comment period on this action.

DATES: As of April 14, 2006, EPA withdraws the direct final rule amendments published on February 13, 2006 (71 FR 7415).

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2002–0088. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the NESHAP for Refractory Products Manufacturing Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The 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 Refractory Products

Manufacturing Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Susan Fairchild, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Metals and Minerals Group (D–243–02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5167; fax number: (919) 541–5600; e-mail address: *fairchild.susan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

Categories and entities potentially affected by this action include those which manufacture refractory products. Regulated categories and entities include:

Category	NAICS code [1]	Examples of regulated entities
Industry	327124 327125	Clay refractory manufacturing plants and nonclay refractory manufacturing plants.
Federal government		Not affected.
State/local/tribal government		Not affected.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility is affected by this action, you should carefully examine the applicability criteria in 40 CFR 63.9782 of subpart SSSSS (NESHAP for Refractory Products Manufacturing). If you have questions regarding the applicability of this action to a particular entity, consult either the air permit authority for the entity or your EPA regional representative as listed in 40 CFR 63.13 of subpart A (General Provisions).

II. Background Information

On February 13, 2006, we published a direct final rule (71 FR 7415) and parallel proposal (71 FR 7494) amending the NESHAP for Refractory Products Manufacturing. The amendments would have clarified the testing and monitoring requirements of the NESHAP, made the NESHAP consistent with recent changes to the General Provisions (40 CFR part 63, subpart A), and made certain technical corrections to the rule. The amendments would have clarified that sources complying with the total hydrocarbon (THC) percent reduction emission limit could choose to meet the alternative concentration emission limit if they turn back the control device after it is no longer needed (*i.e.*, after the concentration of THC in the exhaust gas is at or below the THC concentration emissions limit).

The preamble to the direct final rule amendments stated that if we received adverse comment by March 15, 2006, we would publish a timely notice of withdrawal in the **Federal Register**. EPA received adverse comment on the direct final rule amendments. Accordingly, we are withdrawing the direct final rule amendments as of April 14, 2006. EPA will take final action on the parallel proposal after considering the comments received. As stated in the parallel proposal, EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 7, 2006.

William L. Wehrum,

Acting Assistant Administrator for Air and Radiation.

PART 63—[AMENDED]

■ Accordingly, the amendments to the rule published in the **Federal Register** on February 13, 2006 (71 FR 7415) on pages 7415–7441 are withdrawn as of April 14, 2006.

[FR Doc. 06–3545 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2002–0241; FRL–8063–5]

Sodium Metasilicate; Amendment to an Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an amendment to an exemption from the requirement of a tolerance for residues of sodium metasilicate on all food commodities when applied/used as an insecticide or fungicide to control or suppress leafhoppers and powdery mildew in accordance with approved label rates and good agricultural practice. A petition was submitted to EPA on behalf of Environmentally Safe Systems, Inc. under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of sodium metasilicate.

DATES: This regulation is effective April 14, 2006. Objections and requests for hearings must be received on or before June 13, 2006.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under Docket identification (ID) number EPA–HQ–OPP–2002–0241. All documents are listed on the www.regulations.gov web site. (EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by an enhanced federal-wide electronic docket management and comment system located at *http://www.regulations.gov/*. Follow the on-line instructions.) Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Raderrio Wilkins, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–1259; e-mail address:*wilkins.raderrio@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

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

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

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

II. Background and Statutory Findings

In the **Federal Register** of December 29, 2004 (69 FR 78017) (FRL–7193–8), EPA issued a notice pursuant to section 408(d)(3) of the FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 2E6381) by Interregional Research Project Number (IR-4), New Jersey Agricultural Experiment Station, Technology Center of New Jersey, 681 U.S. Highway 1 South, North Brunswick, NJ 08902–3390, on behalf of Environmentally Safe Systems, Inc., P.O. Box 1574 Sanat Ynez, CA 93460. ChemReg International, LLC, 1990 Old Bridge Road, Suite 201, Lake Ridge, VA 22192, is the current authorized agent acting on behalf of Environmentally Safe Systems, Inc. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of atolerance for residues of sodium metasilicate. This notice included a summary of the petition prepared by the petitioner ChemReg International, LLC on behalf of Environmentally Safe Systems, Inc. There were no comments received in response to the notice of filing.

Since the IR-4's submission of this petition, EPA has promulgated a regulation establishing an exemption from the requirement of a tolerance for sodium metasilicate at 40 CFR 180.1237. That exemption establishes an exemption from the requirement of a tolerance for residues of sodium metasilicate ''when used as plant desiccants, so long as the metasilicate does not exceed 4% by weight in aqueous solution.'' Because IR-4's petition requested an exemption from the requirement for a tolerance for sodium metasilicate when used as an insecticide and fungicide, the current exemption does not cover the petitioned uses and must be amended to include them.

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

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

III. Toxicological Profile

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

Sodium metasilicate is prepared by fusing sand (silicon dioxide,SiO_2) and soda ash ($NaCO_3$). Sand or silicon dioxide is comprised of silica, which is one of the most abundant oxide materials in the earth's crust. Silica occurs commonly in nature as sandstone, silica sand or quartzite. It is the starting material for the production of silicate glasses and ceramics. It can exist in an amorphous form (vitreous silica) or in a variety of crystalline forms. Often it will occur as a non-crystalline oxidation product on the surface of silicon or silicon compounds. Silicon is widely distributed in the environment, and is present in the form of sand on all beaches.

Sodium metasilicate is a corrosive alkaline material commercially available in three forms (anhydrous, pentahydrate or nonahydrate containing 0, 5 or 9 water molecules in its crystal structures, respectively). In its pure form sodium metasilicate is corrosive to skin and eyes, and is a severe irritant to the upper respiratory tract. It may cause burns of the mouth, throat and stomach. This tolerance exemption covers all three forms of sodium metasilicate because all three forms are soluble in water, and thus in aqueous dilutions at 2.41%, which is the concentration proposed for pesticide products used as insecticides and fungicides, the toxicity would be the same. For this reason, unless otherwise specified in this document, whenever the term sodium metasilicate is used in this document, it refers to all three forms of sodium metasilicate.

Sodium metasilicate is widely used in cosmetics, hair and skin products, detergents, and a variety of cleaning products. It is also an active ingredient

in insecticides, fungicides and antimicrobial pesticides at concentrations up to 4%, and its primary modes of action include abrasion and dessication of the targeted pests. The pentahydrate ($Na_2SiO_35H_20$) is classified by the Food and Drug Administration (FDA) as ''Generally Recognized as Safe'' (GRAS, indirect food ingredient) for use in washing mixtures for fruits and vegetables, in sanitizing solutions on food-contact surfaces, and other uses. Residues of the pentahydrate form, when used in fruit and vegetable washes, are expected to be orders of magnitude less than the estimated daily dietary consumption of 20–30 milligrams (mg) silica from natural sources and drinking water. Silica (also known as silicon dioxide, SiO_2, or silicon) is a degradation product of the pentahydrate form of sodium metasilicate, which is neutralized by stomach acid after oral ingestion to form silicic acid ($H2SiO_3$). Silicic acid is readily absorbed and distributed throughout the body where it may be further metabolized to silicon dioxide. Silicon is incorporated into tissues as an essential trace element, and is especially important in bone growth and development in poultry and livestock. Silica is also used as a food additive, primarily as a flow agent in powdered foods, or to absorb water.

The toxicological data to support the request to amend the exemption from the requirement of a tolerance for sodium metasilicate is comprised of published information on all three forms of sodium metasilicate and related silicon-containing compounds. Silicon dioxide is the focus of many of the studies considered by the Agency since it is a metabolite of sodium metasilicate pentahydrate after oral ingestion and is an essential trace element in the diet.

1. Acute oral toxicity data (MRID 46050902) for the anhydrous form of sodium metasilicate in rats was classified Toxicity Category III, due to gastrointestinal irritation and corrosion at doses great than or equal to 1,000 mg of the active ingredient per kilogram (kg) body weight. The alkalinity (pH of 12) of the test material would be expected to cause these gastrointestinal effects and is consistent with the known irritation and corrosivity of high doses (such as the level tested in this study) for sodium metasilicate. There were no effects noted in a second acute oral toxicity study (OPPTS Harmonized Guideline 870.1100; MRID 46202005) with rats given 5,000 mg of a test material containing only 2.41% sodium metasilicate (approximately 120 mg) per kg body weight. The test material is classified as Toxicity Category IV for acute oral toxicity, and demonstrates that a dilution of the active ingredient to a level that is comparable to concentration of sodium metasilicate required in the proposed pesticidal uses for control of leafhoppers and powdery mildew (eliminates the potential of the active ingredient to cause acute toxic effects).

2. Environmentally Safe Systems, Inc. requested waivers based on submitted reviews of publicly available scientific literature (MRID 46050902) for the following required studies on the technical grade of the active ingredient:

i. *OPP Guideline 152.17--Genotoxicity*. Genetic toxicity assays considered from the submitted review of published scientific literature included microbial point mutation assays with sodium metasilicate, silicic acid, and silicon dioxide. None of these substances demonstrated mutagenic activity in three bacterial test species.

ii. *OPP Guideline 152.20--Subchronic, 90–day feeding*. Subchronic toxicity data summarized from published literature on silicon dioxide demonstrated adverse effects at high oral doses in rats, mice and dogs without determining no observed adverse effect levels (NOAEL) in these test species. An 800 mg/kg body weight/day dose level administered orally to dogs for 6 months was reported to have kidney effects, which were not observed after only 4 weeks. These results indicate that amounts ofSiO_2 exceeding the natural demand for the essential trace element silicon are excreted via the kidneys and can have effects there after an extended period of exposure. Therefore, longer exposures to repeated, high oral doses increase the potential for adverse effects in this test species. The report on the effects in dogs also indicated that kidney function was not adversely affected by the microscopic changes noted in the organ.

Chronic toxicity. The summary review of the published literature indicated that silicon dioxide (SiO_2) was fed to rats and mice at dietary levels up to 50,000 parts per million (ppm) (5% of the diet; approximately 2,500 and 7,500 mg/kg/day for rats and mice, respectively) for 2 years. The only effect noted was a significant reduction in body weight at the highest dose at the 10–week point of the mouse study, which continued throughout the rest of the test, which is likely attributable to the high percentage of silica in the daily diet of the test animals. No adverse effects were observed in rats.

iii. *OPP Guideline 152.23--Teratogenicity*. The published scientific literature describes silicon as essential for growth and development the skeleton, hair and feathers in rats, chicks, and other animals. Although no developmental toxicity studies were submitted, publicly available literature provided information on the effects on reproduction for sodium silicate (''soluble silica'' expressed also as silicon dioxide). In that study, sodium silicate was given in drinking water to rats for up to 180 days (120 and 240 mg/kg body weight/day at the beginning of the study when the rats were 3 weeks old, and 72 and 144 mg/kg/day by the end of the study, which is the calculated dose based on their growth to adults during the study). A decrease in numbers of live offspring at birth and at weaning was noted; however, a conclusion cannot be made that the silicates actually caused reproductive toxicity. The conditions of the study were inappropriate for normal mating and nurturing behaviors in the test animals. The use of wire-bottom cages would allow escape, illness or injury of the offspring, due to the absence of nesting materials for proper nurturing and heat retention, thus compounding the association of reproductive effects with silicate intake. Based on the alkaline nature of sodium metasilicate, when ingested it is neutralized by the stomach acid pH (less than 2), which greatly reduces it solubility by forming polymeric silicic acid, and thus the actual absorption of sodium metasilicate into the blood and tissues of the body is physically limited. This is demonstrated by the lack of significant effects on the body weights of the treated rats during the non-reproduction phase of the published study after dosing with soluble silica at the 72 mg/kg/day dose level. Since dietary exposure results in minimal absorption into body tissues, the Agency does not anticipate developmental or reproductive risks from the use, at 2.41% of sodium metasilicate as an insecticide and fungicide on growing crops.

IV. Aggregate Exposures

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

A. Dietary Exposure

1. *Food*. Sodium metasilicate is generally recognized as safe by the FDA

for use as a wash for fruits and vegetables. According to FDA findings, the residues from this use are expected to be orders of magnitude less than the estimated daily intake of 20–30 mg silica(SiO_2) from natural sources and drinking water. The submitted summary of information on sodium metasilicate (MRID 46050902) also indicated that the FDA has established maximum permissible concentrations of sodium metasilicate in potable water, fruits and vegetables at 16.0 ppm and 300 ppm, respectively.

There are a number of factors that inform EPA's conclusion that there is not likely to be much dietary exposure. First, sodium metasilicate neutralizes and breaks down under acidic conditions such as that found in the digestive tract. Second, further dilution by tank mixing with water of a pesticide product containing the active ingredient containing only 2.41% or less of sodium metasilicate by weight before foliar application reduces the amount of active ingredient that will be on the crop. These factors taken together significantly reduce the potential for dietary exposure from its pesticidal uses. Further, if the active ingredient is applied to growing crops at higher rates, the result is abrasion and dessication of the food crops. Therefore, good agricultural practices dictate that the amount of sodium metasilicate used be limited to low concentrations which happen to be appropriate for the intended pesticidal uses. Given the use dilutions and other good agricultural practices as required on product labels, the likely dietary exposures to sodium metasilicate from the pesticidal uses are expected to be equal to or even less than levels recommended by the FDA for fruit and vegetable washes.

2. *Drinking water exposure*. Sodium metasilicate residues in drinking water are expected to be minimal from its use as a pesticide, especially when compared to the ubiquity of naturally occurring forms of silicon dioxide in the environment, and the widespread use of sodium metasilicate in dishwashing soaps, other soaps, and detergents. As mentioned above, pesticide products containing 2.41% or less of sodium metasilicate are diluted at least 10 times before foliar application, and are not likely to exceed the level recommended for potable water (16 ppm).

B. Other Non-Occupational Exposure

1. *Dermal exposure*. Non-occupational dermal exposures to sodium metasilicate when used as a pesticide are expected to be negligible because it is limited to agricultural use.

2. *Inhalation exposure*. Non-occupational inhalation exposures to sodium metasilicate when used as a pesticide are expected to be negligible because it is limited to agricultural use.

V. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider the ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have available data to determine whether sodium metasilicate has a common mechanism of toxicity with any other substances. The mode of action as a contact insecticide and fungicide is considered by the Agency as a non-toxic mode of action on the target pest species. Further, sodium metasilicate does not appear to produce any toxic metabolites. Therefore, for the purpose of this tolerance exemption action, EPA has not assumed that sodium metasilicate has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, refer to the policy statement released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effect from substances found to have a common mechanism on EPA's website at *http://www.epa.gov/pesticides/cumulative/*.

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

1. *U.S. population*. The Agency has determined that there is reasonable certainty that no harm will result from aggregated exposure to residues of sodium metasilicate to the U.S. population. This includes all anticipated dietary exposures and other exposures for which there is reliable information. The Agency arrived at this conclusion based on the anticipated low acute exposure estimates from its pesticidal use, the low mammalian toxicity in its diluted form, the widespread use in the human diet, and that sodium metasilicate is considered GRAS under 21 CFR 184.1769a and is permitted to be added directly to food for human consumption.

2. *Infants and children*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of exposure for infants and children in the case of threshold effects. Margins of exposure are often referred to as uncertainty or safety factors, and are used to account for potential prenatal and postnatal toxicity and any lack of completeness of the data base. Based on available data and other information, EPA may determine that a different margin of exposure will define a level of concern for infants and children or that a margin of exposure approach is not appropriate. Based on all the available information the Agency reviewed on sodium metasilicate, including a lack of threshold effects, the Agency concluded that sodium metasilicate, in its diluted form, is practically non-toxic to mammals, including infants and children. Since there are no effects of concern, the provision requiring an additional margin of safety does not apply.

VII. Other Considerations

A. Endocrine Disruptors

Based on available data, no endocrine system-related effects have been identified with consumption of sodium metasilicate. In addition, there is no evidence to suggest that sodium metasilicate functions in a manner similar to any known hormone.

B. Analytical Method(s)

The Agency proposes to establish an amendment to the exemption from the requirement of a tolerance without any numerical limitation for residues since it has determined that residues resulting from the pesticidal uses of sodium metasilicate would be so low as to be indistinguishable from the naturally occurring silicates that are ubiquitous in the environment.

C. Codex Maximum Residue Level

There are no codex maximum residue levels established for residues of sodium metasilicate.

VIII. Conclusions

An exemption from the requirement for a tolerance is appropriate because of the low dietary exposure likely to result from the pesticidal use of sodium metasilicate, the nature of its mode of action on the targeted pests, the metabolism of the active ingredient to other forms of silicon that is needed for growth and development in animals, and its moderate to low oral toxicity in diluted formulations (necessary to prevent damage to crops while maintaining effectiveness as a pesticide).

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this

regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2002–0241 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 13, 2006.

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

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

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by docket ID number EPA–HQ–OPP–2002–0241, to: Public Information and Records Integrity Branch, Information Technology and Resource Management Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in**ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

X. Statutory and Executive Order Reviews

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

''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule

directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 30, 2006.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.1237 is revised to read as follows:

§ 180.1237 Sodium metasilicate; exemption from the requirement of a tolerance.

(a) An exemption from the requirement of a tolerance is established for residues of sodium metasilicate in or on all food commodities when used in accordance with approved label rates and good agricultural practices as a plant desiccant, so long as the sodium metasilicate does not exceed 4% by weight in aqueous solution.

(b) An exemption from the requirement of a tolerance is established for residues of sodium metasilicate in or on all food commodities when used in accordance with approved label rates and good agricultural practices as an insecticide and fungicide, so long as the sodium metasilicate does not exceed 2.41% by weight in aqueous solution.

[FR Doc. 06–3549 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2005–0205; FRL–7766–2]

Cyfluthrin; Pesticide Tolerance Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of September 13, 2005, concerning the establishment of pesticide tolerances for residues of the insecticide cyfluthrin in/on several agricultural commodities. This document is being issued to correct omissions concerning the entry for wheat milled by products, except flour.

DATES: This final rule is effective April 14, 2006.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2005–0205. All documents in the docket are listed on the regulations.gov website. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Docket Facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Olga Odiott, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9369; e-mail address: *odiott.olga@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

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

II. What Does this Correction Do?

FR Doc. 05–17823 published in the **Federal Register** of September 13, 2005 (70 FR 53944) (FRL–7725–7) is corrected as follows:

1. On page 53944, in the first column, under **SUMMARY**, seventh line from the bottom, add ''wheat bran;'' before ''wheat forage;'' and ''wheat shorts;'' after ''wheat hay;''.

2. On page 53945, in the first column, first full paragraph, fourth line from the bottom, the text after ''vi.'' should read ''by replacing the tolerance for wheat milled products with wheat bran at 6.5 ppm and wheat shorts at 11.0 ppm.''

3. On the same page, in the same column, second full paragraph, add the following text after the last sentence: ''EPA is removing the tolerance for wheat milled byproducts since it is no longer needed with the establishment of tolerances for wheat bran and wheat shorts.''

III. Why is this Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical correction final without prior proposal and opportunity for comment, because [the corrections of the subject tolerances do not underestimate the aggregate dietary exposures and risks from cyfluthrin uses. Therefore, the nature of these changes are not considered significant. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

No. Refer to the discussion provided under **Statutory and Executive Order Reviews** in the **Federal Register** document of September 13, 2005.

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: April 4, 2006.

Meredith F. Laws,

Acting Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR part 180 is corrected as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 321 (q), 326a and 371.

■ 2. Section 180.436 is amended in paragraph (a)(1), in the table, by removing the commodity wheat milled byproducts and by alphabetically adding new commodities to read as follows:

§ 180.436 Cyfluthrin; tolerances for residues.

(a) *General.* (1)* * *

Commodity	Parts per million
* * * * * * *	*
Wheat, bran	6.5 ppm
* * * * * * *	*
Wheat, shorts	11.0 ppm
* * * * * * *	*

* * * * *

[FR Doc. 06–3550 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–8158–4]

Washington: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule; authorization of State-initiated changes.

SUMMARY: During a review of Washington's regulations, EPA identified a variety of State-initiated changes to Washington's hazardous waste program under the Resource Conservation and Recovery Act, as amended, (RCRA), for which the State had not previously sought authorization. We have reviewed Washington's changes to its program and have determined that these changes are minor and satisfy all requirements needed to qualify for final authorization, therefore we are authorizing the State-initiated changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments that oppose this authorization during the comment period, the decision to authorize Washington's changes to its hazardous waste program will take effect June 13, 2006. If we receive comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing this rule before it takes effect. EPA will then address public comments in a later final rule based on the proposed rule in today's **Federal Register**. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of today's rule. However, the authorization of program changes that are not opposed by any comments will become effective on the date specified above. A **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time. Today's document also makes corrections to the table included in the authorization **Federal Register** document for Washington published on October 12, 1999.

DATES: This final authorization will become effective on June 13, 2006, unless EPA receives adverse written comments on or before May 15, 2006.

ADDRESSES: Submit your comments, identified by EPA–R10–RCRA–2006–0087 by one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the

online instructions for submitting comments.

2. E-mail: *kocourek.nina@epamail.epa.gov*.

3. Mail: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 98101.

4. Hand Delivery: At the previously-listed EPA Region 10 address. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to EPA–R10–RCRA–2006–0087. EPA's policy is that all comments received will be included in the public file without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and shall be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the U.S. Environmental Protection Agency (EPA), Region 10 Library, 1200 Sixth Avenue, Seattle WA 98101. This Docket Facility is open to the public from 9 to 11:30 a.m. and from 1 to 4 p.m. Monday through Friday, excluding legal holidays. The library telephone number is (206) 553–1289. Additionally, hard copies are available from the Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98503, contact, Patricia Hervieux at (360) 407–6756.

FOR FURTHER INFORMATION CONTACT: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 98101. Phone number: (206) 553–6502 or Patricia Hervieux, Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98503; phone number: (360) 407–6756, e-mail: *pher461@ecy.wa.gov.*

SUPPLEMENTARY INFORMATION:

I. Authorization of State-Initiated Changes to Washington's Hazardous Waste Program

A. Why Are Revisions to State Programs Necessary?

States that have received final authorization from EPA pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program is revised States must revise their programs and apply to EPA to authorize the revisions. Authorization of revisions to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other revisions occur, including, among others, revisions to the State program initiated by the State. Most commonly, States revise their programs because of revisions to EPA's regulations in Title 40 of the Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Washington's revisions to its authorized program meet all of the statutory and regulatory requirements established by RCRA. Therefore, we revise Washington's authorized hazardous waste program to include the changes identified by EPA and described in section G, below.

New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those HSWA requirements and prohibitions for which Washington has not been authorized, including issuing HSWA permits, until the State is granted authorization to do so.

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

The effect of this decision is that a facility in Washington subject to RCRA will continue to be subject to the authorized State requirements and to the federal HSWA provisions for which the State is not authorized in order to comply with RCRA. Washington has enforcement responsibilities under its state hazardous waste program for violations of its program, but EPA continues to have independent enforcement authority under RCRA sections 3007, 3008, 3013, and 7003, which authority includes, among others, authority to:

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

Today's action does not impose additional requirements on the regulated community because the regulations for which Washington is being authorized by this action are already effective under State law, and are not changed by today's action.

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

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

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

If the Agency does receive adverse written comment, it will publish a notice withdrawing this immediate final rule before its effective date. EPA then will address the comment in a later final rule based on the companion document appearing in the Proposed Rules section of today's **Federal Register**. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of today's rule. However, the authorization of program

changes that are not opposed by any comments will become effective on June 13, 2006. A **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

F. What Has Washington Previously Been Authorized for?

Washington initially received final authorization on January 30, 1986, effective January 31, 1986 (51 FR 3782), to implement the RCRA hazardous waste management program. EPA granted authorization for changes to Washington's program on September 22, 1987, effective on November 23, 1987 (52 FR 35556); August 17, 1990, effective October 16, 1990 (55 FR 33695); November 4, 1994, effective November 4, 1994 (59 FR 55322); February 29, 1996, effective April 29, 1996 (61 FR 7736); September 22, 1998, effective October 22, 1998 (63 FR 50531); October 12, 1999, effective January 11, 2000 (64 FR 55142); and on April 11, 2002 effective April 11, 2002 (67 FR 17636).

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

During a review of Washington's regulations, we identified a variety of changes that Washington had made to provisions we had previously authorized. EPA brought these changes to the attention of Washington and confirmed with the State that the State-initiated changes generally correct typographical errors and printing errors, clarify and make the State's regulations more internally consistent, or bring the State regulations closer to the Federal language. The State's authorized hazardous waste program, as amended by these provisions, remains equivalent to, consistent with, and no less stringent than the Federal RCRA program.

We are revising Washington's authorized hazardous waste program to include the changes listed in the table below. The provisions listed in the table are from the Washington Annotated Code (WAC) and are analogous to the RCRA regulations, as indicated in the table. The RCRA regulations are those as published in 40 CFR parts 124, 260 through 266, 268, 270, 273 and 270, as of July 1, 1999, unless otherwise noted. All of the referenced analogous state authorities were legally adopted and effective as of June 10, 2000. Note that a number of the State provisions have no direct Federal analogs but are related to particular paragraphs, sections, or parts of the Federal hazardous waste requirements in the 40 CFR parts 264, 265 and 270. For example, the Federal code has no specific definition for ''acute hazardous waste'' in 40 CFR 260.10, but a description of and the requirements for ''acute hazardous waste'' can be found in 40 CFR 261.30(d). Therefore, in the ''Analogous Federal Requirement'' column, the Federal analog to the State's definition of ''acute hazardous waste'' in WAC 173–303–040 is listed as ''No Federal analog; related to 261.30(d)). Similarly, while the Federal code has no specific definition for ''Independent qualified registered professional engineer'', the term is used in 40 CFR parts 264, 265 and 270.

State requirement (WAC)	Analogous federal requirement (40 CFR, as of July 1, 1999)
173–303–017(2)(a)(iii)	261.2(e)(1)(iii).
173–303–040 Definitions	
''Acute hazardous waste''	No federal analog; related to 261.30(d).
''Carbon regeneration unit''	260.10 ''Carbon regeneration unit''.
''Commercial chemical product or manufacturing chemical intermediate''.	261.33(d) Comment.
''Debris''.	
''Designation''	268.2(g).
''Discharge'' or ''dangerous waste discharge''	No federal analog; related to part 261. 260.10 ''Discharge'' or ''hazardous waste discharge'', 261.2(d).
''Domestic sewage''	261.4(a)(1)(ii) last sentence.
''Hazardous debris''	268.2(h).
''Hazardous substances''	No federal analog; related to part 261.
''Ignitable waste''	No federal analog; related to 261.21(b).
''Independent qualified registered professional engineer''	No federal analog; related to parts 264, 265 and 270.
''Infrared incinerator''	260.10 ''Infrared incinerator''.
''Mixed waste''	No federal analog; related to part 261.
''Off-specification used oil fuel''	266.40(e) [1990 CFR]; related to 279.11.
''Plasma arc incinerator''	260.10 ''Plasma arc incinerator''.
''Polycyclic aromatic hydrocarbons''	No federal analog; related to part 261.
''Reactive waste''	No federal analog; related to 261.23(b).
''Regulated unit''	264.90(a)(2).
''Sludge dryer''	260.10 ''Sludge dryer''.
''Stabilization'' and ''solidification''	No federal analog; related to parts 264 and 265.
''Temporary unit''	No federal analog; related to 264.553(a).
''Thermal treatment''	260.10 ''Thermal treatment''.
''Transfer facility''	260.10 ''Transfer facility''.
''Transport vehicle''	260.10 ''Transport vehicle''.
''Triple rinsing''	No federal analog; related to 261.7(b)(3)(i).
''Vessel''	260.10 ''Vessel''.
173–303–060(2)	262.12(b).
173–303–070(2)(a)(i)	No federal analog; related to 261.3(c)(2).
173–303–070(2)(a)(ii)(A)	261.3(c)(2).
173–303–070(2)(a)(iii)	261.3(c)(2).
173–303–070(3), except (a)(iii) and (c)	261.3(a)(2)(i) and (ii), 261.3(c)(1), 261.5(h) and 262.11(c).
173–303–070(3)(c)	262.11(c).
173–303–070(4) introductory paragraph and (e)	No federal analog; related to 262.11.
173–303–070(5), except 070(5)(c)	No federal analog; related to 262.11.
173–303–070(7)(c)(iii) and (iv)	261.5(c)(2) and (c)(3).

State requirement (WAC)	Analogous federal requirement (40 CFR, as of July 1, 1999)
173–303–070(7)(c)(v) and (vi)	261.5(c)(5) and (c)(6).
173–303–070(8)(b)(i)	261.5(f)(1) and 261.5(g)(1).
173–303–070(8)(b)(ii)	No federal analog; related to 261.5(f) and 261.5(g).
173–303–070(8)(c)	261.5(j).
173–303–071(3) introductory paragraph	261.4(a) introductory paragraph and 261.4(b) introductory paragraph.
173–303–071(3)(a)(i) and 173–303–071(3)(a)(ii) introductory paragraph	261.4(a)(1)(i) and (ii).
173–303–071(3)(a)(ii)(A)–(D)	No federal analog; related to 261.4(a)(1).
173–303–071(3)(k) introductory paragraph through (k)(i)(A)	261.8.
173–303–071(3)(o)	261.3(c)(2)(ii)(A).
173–303–071(3)(aa)	261.4(b)(6)(i).
173–303–072(3)(c) except the phrase, ''except 173–303–090(6)(a)(iii)''	No federal analog; related to 260.22.
173–303–080	No federal analog; related to part 261.
173–303–082(1)	261.31(a).
173–303–082(3)	261.3(b)(2).
173–303–090(8)(c) and Table	No federal analog; related to 261.24.
173–303–100	No federal analog; related to part 261.
173–303–110(2)(a)(i)–(vii), and (b)	261 Appendix 1.
173–303–110(3)(b) and (c)	No federal analog; related to part 260.11.
173–303–120(4) introductory paragraph	No federal analog; related to 261.6(c)(1).
173–303–140(2) introductory paragraph	No federal analog; related to part 268.
173–303–140(4)(b)(iv) and (v)	264.314(e) and (f) 263.30 and 263.31.
173–303–145 except 173–303–145(3)(a) introductory paragraph and (3)(b).	
173–303–160(4)	No federal analog; related to 260.20.
173–303–161(6)	No federal analog; related to part 264.
173–303–170(3) introductory paragraph and (3)(a)	No federal analog; related to 262.34(a) and (d).
173–303–170(3)(b) introductory paragraph and (i) and (ii)	262.10(c).
173–303–170(4)	No federal analog; related to 262.11(d).
173–303–180(5)	No federal analog; related to part 262.
173–303–200(1)(a)	262.34(b).
173–303–200(1)(d)	262.34(a)(3).
173–303–210(1) through (3)(a)	262.40(a) through (c).
173–303–210(3)(b), (4) and (6)	No federal analog; related to part 262.
173–303–220(3)	262.43.
173–303–230(3) introductory paragraph and (3)(a) and (4)	No federal analog; related to 261.7.
173–303–240(1)	No federal analog; related to 263.10.
173–303–240(2)	No federal analog; related to 263.11.
173–303–240(3)	No federal analog; related to part 263.
173–303–240(6), except (6)(a)	263.12.
173–303–240(7)(a)	263.30.
173–303–240(8) and (9)	No federal analog; related to 263.12.
173–303–280(4)	No federal analog; related to part 264.
173–303–282, except 173–303–282(3)(b), (f), (g) and (h); (6)(a)(i) and (6)(c)(i)(A)(i).	No federal analog; related to part 264.
173–303–282(3)(b), (f), (g) and (h); (6)(a)(i)	264.18(a).
173–303–283	No federal analog; related to part 264.
173–303–290(1)	264/265.12(a).
173–303–300(5)(g)	264/265.13(b)(5).
173–303–300(6) introductory paragraph through (6)(b)	264/265.13(c) introductory paragraph through (c)(2).
173–303–320(2)(d)	264/265.15(d).
173–303–330(2)(c)	264/265.16(c)(4).
173–303–350(3)(c)	264/265.52(c).
173–303–360(1)	264/265.55.
173–303–360(2)(d) and (e)	264/265.56(d).
173–303–360(2)(k)(viii)and(ix)	No federal analog; related to 264/265.56(j).
173–303–370(4)(b)	264/265.72(b).
173–303–380(1)(e)	264/265.73(b)(5).
173–303–380(2)(d)	264/265, Appendix I (3).
173–303–390(2) introductory paragraph	264/265.75 introductory paragraph.
173–303–390(3) paragraph and (3)(a)	264/265.77 introductory paragraph and (a).
173–303–390(3)(b)	265.77(b).
173–303–390(3)(c)	264.77(b) and 265.77(c).
173–303–390(4)	No federal analog; related to 264/265.77.
173–303–395(6)	No federal analog; related to parts 264 and 265.
173–303–400(1)	265.1(a).
173–303–400(2)(c)(iii)	265.1(c)(3).
173–303–400(2)(c)(iv)	265.1(c)(9) and (10).
173–303–400(2)(c)(viii)	265.1(c)(7).
173–303–400(2)(c)(x)	No federal analog; related to 265.1(c)(11).
173–303–400(2)(c)(xi) introductory paragraph	265.1(c)(14) introductory paragraph [2000 CFR].
173–303–400(2)(c)(xiii), except (xiii)(A)(iv) and (xiii)(D)	265.1(c)(11), except (11)(i)(D) and (11)(iv).
173–303–400(3)(c) introductory paragraph	No federal analog; related to part 265.
173–303–400(3)(c)(i)(A) and (B)	No federal analog; related to part 265.

State requirement (WAC)	Analogous federal requirement (40 CFR, as of July 1, 1999)
173–303–400(3)(c)(ii) and (iii)	No federal analog; related to 265.300.
173–303–400(3)(c)(iv)	265.273(b).
173–303–400(3)(c)(v)	265.91(c).
173–303–400(3)(c)(vi)	No federal analog; related to 265.140 through 265.145.
173–303–400(3)(c)(vii)–(x)	No federal analog; related to part 265.
173–303–505(1)(b)(i) first two sentences	266.20(b).
173–303–506(1)	No federal analog; related to 261.4(b)(12).
173–303–515(1)	No federal analog; related part 279.
173–303–525(1)	266.70, except 266.70(b)(3).
173–303–573(11)(c)(ii)	273.15(c)(2) [2000 CFR].
173–303–573(19)(a)(i)	273.32(a)(1) [2000 CFR].
173–303–573(22)(c)(ii)	273.35(c)(2) [2000 CFR].
173–303–573(26)(a)(ii) and (b)(ii)	273.39(a)(2) and (b)(2) [2000 CFR].
173–303–600(1)	270.1(c)(2), 264.1(a).
173–303–600(3)(c)	264.1(e).
173–303–600(3)(e)	264.1(g)(1).
173–303–600(3)(j)	264.1(g)(5) and (6); 270.1(c)(2)(iv) and (v).
173–303–600(7)	No federal analog; related to 264.1.
173–303–610(1)(b)	264.110(b).
173–303–610(3)(a)(iii) and (iv)	264.112(b)(3).
173–303–610(3)(a)(viii)	264.112(b)(7).
173–303–610(6)	264.115.
173–303–610(7)(a)(i)	264.117(a)(1)(i).
173–303–610(8)(a)	264.118(a).
173–303–610(8)(b)(ii) introductory paragraph	264.118(b)(2) introductory paragraph.
173–303–610(8)(b)(ii)(A)	264.118(b)(2)(i).
173–303–610(8)(d)(ii)(C)	264.118(d)(2)(iii).
173–303–620(1)(b) introductory paragraph	264.140(b) introductory paragraph.
173–303–620(1)(b)(i)	264.140(b)(1).
173–303–620(1)(b)(ii)	264.140(b)(3).
173–303–620(1)(b)(iii)	No federal analog; related to 264.140(b).
173–303–620(1)(b)(iv)	264.140(b)(2).
173–303–620(1)(b)(v)	264.140(b)(4).
173–303–620(1)(c)	264.140(c).
173–303–620(3)(a) introductory paragraph	264.142(a) introductory paragraph.
173–303–630(6)(b)	264.145.
173–303–630(2)	264.171.
173–303–630(5)(c)	No federal analog; related to 264.173.
173–303–630(6)	264.174.
173–303–630(7)(d)	No federal analog; related to 264.175.
173–303–640(1)(a)	264.190 introductory paragraph.
173–303–645(8)(c)	264.97(c).
173–303–645(12)	No federal analog; related to 264.101.
173–303–646(1)(d)	No federal analog; related to 264.101, 264.552 and 264.553.
173–303–646(2)(d)	No federal analog; related to 264.101.
173–303–646(4)(b)	264.552(h).
173–303–646(4)(c)	No federal analog; related to 264.552.
173–303–650(2)(a)(i)(D)	No federal analog; related to 264.221.
173–303–650(2)(c)	264.221(g).
173–303–650(2)(f)	264.221(h).
173–303–650(2)(j) through (m)	264.221(c) through (f).
173–303–655(8)(b)	264.280(b).
173–303–660(2)(c)	No federal analog; related to 264.251.
173–303–660(3)(b)	264.252(b).
173–303–660(6)(d)(ii)	No federal analog; related to 264.250.
173–303–660(9)(c)(ii)	264.258(c)(2).
173–303–665(2)(c)–(f)	264.301(g) through (j).
173–303–665(2)(h)	264.301(c).
173–303–665(2)(j)	264.301(d).
173–303–665(11)	264.317.
173–303–670(1)(b)(iii)	No federal analog; related to 264.340.
173–303–670(3)	264.342.
173–303–670(4)(a)(ii)	264.343(a)(2).
173–303–680(3)	264.602.
173–303–690(1)(c) and Note	264.1030(c).
173–303–692(1)(b)(v)	264.1080(b)(5).
173–303–692(3)	No Federal analog; related to parts 60, 61 and 63.
173–303–800(7)(c)(i) introductory paragraph through (c)(i)(C)	270.1(c)(3)(i) introductory paragraph through (c)(i)(C).
173–303–800(7)(c)(ii)	270.1(c)(3)(ii).
173–303–800(8)	270.32(b)(1) and (b)(2).
173–303–803(3)(n)	270.13(n).
173–303–803(4), except (4)(b)	270.10(f), except (f)(2).
173–303–803(5)(b)	270.10(g)(2).

State requirement (WAC)	Analogous federal requirement (40 CFR, as of July 1, 1999)
173–303–805(2)	270.70(b).
173–303–805(8) introductory paragraph	270.73 introductory paragraph.
173–303–805(8)(e)	No federal analog; related to 270.73.
173–303–806(4) introductory paragraph	No federal analog; related to 270.14.
173–303–806(4)(a)(vi)	270.14(b)(6).
173–303–806(4)(a)(xxi) introductory paragraph, (a)(xxi)(C) and (xxiv)	No federal analog; related to 270.14.
173–303–807(1)	270.62(a) and (b) introductory paragraph.
173–303–810(8)(b)	270.4(b) and 270.30(g).
173–303–810(8)(c)	270.4(c).
173–303–810(15)(a) through (15)(c), first sentence	270.12(a).
173–303–810(19)	270.32(b).
173–303–815(1) through (3)	270.31 through 270.33.
173–303–830(3)(b)(i)	270.41(b)(1).
173–303–830(4)(b)(ii) introductory paragraph	270.42(b)(2) introductory paragraph.
173–303–910(1)(c)	260.20(c)

In addition to the changes authorized above, EPA is also approving changes made by Washington to State procedural provisions. EPA reviewed these changes in order to determine the adequacy of State procedures to operate the hazardous waste program. State procedural provisions are not authorized by EPA and do not supplant Federal procedures. With respect to procedural requirements, EPA relies on Federal procedures rather than the State analogs to these provisions. Washington's procedures to implement the State's hazardous waste management program requirements continue to operate independently under State law. The approved changes to the following State procedures are included as part of this action for informational purposes only: WAC Chapter 173–03, Public Records, § 173–03–060(1)–(5), effective as of August 31, 1998, and Chapter 173–303, Dangerous Waste Regulations, §§ 173–303–806(13), 173–303–840(2)(d)(i)&(ii), and 173–303–910(1)(e), effective as of June 10, 2000.

H. Who Handles Permits After This Authorization Takes Effect?

After authorization, Washington will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits that were issued prior to the effective date of this authorization. EPA will not issue any new permits or new portions of permits for the provisions listed in section G after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Washington is not yet authorized.

I. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in Washington?

EPA's decision to authorize the Washington hazardous waste program does not include any land that is, or becomes after the date of this authorization, ''Indian Country,'' as defined in 18 U.S.C. 1151, with the exception of the non-trust lands within the exterior boundaries of the Puyallup Indian Reservation (also referred to as the ''1873 Survey ''Area'' or ''Survey ''Area'') located in Tacoma, Washington. EPA retains jurisdiction over ''Indian Country.'' Effective October 22, 1998 (63 FR 50531, September 22, 1998) Washington's state program was authorized to implement the state authorized program on the non-trust lands within the 1873 Survey Area of the Puyallup Indian Reservation. The authorization did not extend to trust lands within the reservation. EPA retains its authority to implement RCRA on trust lands and over Indians and Indian activities within the 1873 Survey Area.

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

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

II. Corrections

A. Corrections to October 12, 1999 (64 FR 55142) Authorization Document

There were omissions and typographical errors in the table published as part of the October 12, 1999 (64 FR 55142) authorization notice for Washington. The affected entries and the corrected entries are shown in the table below.

* * * * *

Checklist	Federal requirements	**Federal Register**	Analogous State Authority (WAC 173–303– * * *)
*	* *	* *	* *
84	Toxicity Characteristic; Chlorofluorocarbon Refrigerants*.	56 FR 5910, 02/13/91	506: (2)(3) has been corrected to read 506: (2), (3).
*	* *	* *	* *
14	Dioxin Waste Listing and Management Standards*.	50 FR 1978, 01/14/85	* * * 110: 3(c) has been corrected to read: 110: 3(f) * * *
60	Amendment to Requirements for Hazardous Waste Incinerator Permits.	54 FR 4286, 01/30/89	807: (10) has been corrected to read: 807: (12).

Checklist	Federal requirements		**Federal Register**		Analogous State Authority (WAC 173–303– * * *)	
*	*	*	*	*	*	*

* Indicates State provision is more stringent.

* * * * *

III. Statutory and Executive Order Reviews

This rule authorizes revisions to the State of Washington's authorized hazardous waste program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. This rule complies with applicable executive orders and statutory provisions as follows.

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''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. It has been determined that this final rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, because this final rule does not establish or modify any information or recordkeeping requirements for the regulated community and is only authorizing the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business defined by the Small Business Administrations' Size Regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. EPA has determined that this action will not have a significant economic impact on small entities because the final rule will only have the effect of authorizing pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law. After considering the economic impacts of today's rule, I certify that this action will not have a significant economic impact on a substantial number of small entities.

4. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why the alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. It imposes no new enforceable duty on

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,

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

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

$$Required_Fuel_Economy_Level = \frac{N}{\sum_i \frac{N_i}{T_i}}$$

Where:

N is the total number (sum) of light trucks produced by a manufacturer,

N_i is the number (sum) of the i^{th} light truck model type produced by the manufacturer, and

T_i is fuel economy target of the i^{th} light truck model type, which is determined according to the following formula, rounded to the nearest hundredth:

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

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 (ft^2)
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 (ft^2)	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
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

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

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

$$= 23.1 \text{ mpg}$$

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)

Discreteness of the population in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing.

A population segment may be considered discrete if it satisfies either one of the following conditions: (1) Marked separation from other populations of the same taxon resulting from physical, physiological, ecological, or behavioral factors, including genetic discontinuity; or (2) populations delimited by international boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of 4(a)(1)(D) of the Act. If a population is considered discrete under one or more of the above conditions, its biological and ecological significance is assessed. Measures of significance may include, but are not limited to, the following: (1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon; (2) evidence that loss of the discrete population segment would result in a significant gap in the range of the taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of the taxon that may be more abundant elsewhere as an introduced population outside its historical range; and (4) evidence the discrete population segment differs markedly from other populations of the taxon in its genetic characteristics.

If a population segment is discrete and significant, its evaluation for endangered or threatened status will be based on the Act's definitions of those terms and a review of the factors enumerated in section 4(a). ''Endangered'' means the species is in danger of extinction throughout all or a significant portion of its range. ''Threatened'' means the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

The Ninth Circuit's opinion held that we did not arbitrarily find the Arizona pygmy-owl to be discrete because differences in conservation status exist across the international boundary between the United States and Mexico. We argued that in this case the term ''conservation status'' means ''the number of individuals left in the population.'' We found that conservation status differs because there are differences in the number of owls on either side of the border. The court deferred to our interpretation of the term ''conservation status'' and stated, ''We conclude that 'conservation status,' as used in the discreteness test, is a term of art that lends itself to interpretation by the FWS'' (CV 00–0903 SRB). The Ninth Circuit's opinion stated that we did not articulate a rational basis for finding that the discrete population is significant to the taxon, but did not actually rule on whether the DPS is significant. Instead the 9th Circuit remanded the decision of significance, and that is the issue which is addressed in this finding.

Previous Federal Action

Previous Federal actions for the Arizona pygmy-owl DPS can be found in our proposed delisting rule that published in the **Federal Register** on August 3, 2005 (70 FR 44547). That information is incorporated by reference into this final rule.

Summary of Comments and Recommendations

In the August 3, 2005, proposed delisting rule (70 FR 44547) and associated notifications, we invited interested parties to submit comments or information that might contribute to the final delisting determination for this species. The public comment period closed October 3, 2005. We contacted and sent announcements of the proposed delisting rule to appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties. We established an Internet email address for electronic submittal of comments and hearing requests by any party. We received three requests to hold a public hearing, and we held a public hearing on September 20, 2005, in Tucson, Arizona. We received a total of 578 written and oral comments from interested parties. Of this total, 540 of the comments expressed either support or opposition to the proposed delisting without providing any substantial information that would contribute to the final determination. Of these, 16 parties expressed support for the proposed delisting, while 523 parties indicated their opposition to the proposed rule. Thirty-eight commenters provided substantial comments related to our determination, which are either incorporated or addressed in the following summary.

General Comments Issue 1: Basing the Determination on Science

(1) *Comment:* Several commenters stated that the proposal to delist the pygmy-owl is being driven by politics, not by science.

Our Response: Our reevaluation of the pygmy-owl listing focuses on compliance with our DPS policy and the court's order. We considered and used the best available scientific and commercial information that existed at the time of and since the listing. Public comments were considered and used to the extent that they fell within the scope of our reevaluation. The available scientific information related to the pygmy-owl was considered. However, we were unable to determine that any of this information substantiated a finding that the Arizona DPS of the pygmy-owl is significant to the taxon as a whole (see analysis below). Therefore, we are unable to conclude that the pygmy-owl is an entity that qualifies for listing under our DPS policy.

(2) *Comment:* The proposed rule ignores the best available science, as well as the recommendation of the Service's own biologists as found in a white paper prepared in December 2003.

Our Response: As indicated in our previous response, we used all available scientific information related to the pygmy-owl during our reevaluation of the significance criteria. This included information we had at the time of listing, as well as all information generated since then. A substantial amount of information was also provided to us during the public comment period. Not all of the information submitted was pertinent to our reevaluation of the significance of the Arizona DPS of the pygmy-owl to the taxon as a whole, but we evaluated and used where appropriate all of the information that was pertinent to this issue. The white paper prepared by Service biologists in December 2003 was developed to synthesize all available information that related to determining whether the Arizona DPS of the pygmy-owl satisfied the significance criteria outlined in our DPS policy. This information was considered during our reevaluation of the significance issue. The white paper made no determination of the significance of the Arizona population to the rest of the taxon as a whole. A good deal of the information we reviewed, including the white paper, included discussions related to pygmy-owl issues of a broader context than the Arizona DPS and were not pertinent to our consideration of the significance of the Arizona DPS.

General Comments Issue 2: Unique Ecological Setting

(3) *Comment:* We received comments both supporting and opposing the notion that pygmy-owls occupy a

unique ecological setting in the Sonoran Desert.

Our Response: Following our reevaluation of all the available information pertinent to this issue, we were unable to conclude that the Arizona DPS of the pygmy-owl occurs in a unique ecological setting. While the Sonoran Desert may make up a relatively small portion of the overall range of the pygmy-owl, the Arizona DPS does not occupy the only area of Sonoran Desert within the range of the taxon.

General Comments Issue 3: Gap in the Range of the Species

(4) *Comment:* Some parties indicated that they felt the loss of the Arizona DPS of pygmy-owls would create both a genetic gap and a geographic gap in the range of the species. They felt that the loss of the Arizona DPS would result in the loss of genetic variability in the taxon. Other commenters argued that no such gap would be created by the loss of the Arizona DPS of the pygmy-owl. Some commenters indicated that we should consider the percentage of Sonoran Desert occupied by the Arizona DPS versus the total area of Sonoran Desert occupied by the pygmy-owl, including Mexico, when determining if a gap would occur in the range of the taxon.

Our Response: Based on our review of the available information on the genetics of the pygmy-owl, we concluded that the loss of the Arizona DPS would not result in a genetic gap within the taxon (see analysis below). We conducted a refined analysis of the current and historical range of the pygmy-owl and concluded that the contribution of the Arizona DPS to the current (approximately 5 percent) and historical (approximately 12 percent) range of the taxon was not significant. The issue regarding the contribution of the Arizona DPS to the range of the pygmy-owl within Sonoran Desert areas is not pertinent to the question at hand. Per our DPS policy and the 9th Circuit's opinion, we must consider the contribution of the Arizona DPS to the entire range of the taxon.

General Comments Issue 4: Significance of the Arizona DPS as a Peripheral Population

(5) *Comment:* We received comments both supporting and opposing the significance of the Arizona DPS as a peripheral population, occurring at the northern extent of its range.

Our Response: It is well documented that species at the periphery of their range are less common and more irregular in their occurrence than at the core of their range. However, the mere occurrence of a population at the edge of its range does not, in itself, reduce the significance of that population. Significance does not rely simply on the numerical contribution of a peripheral population. Peripheral populations, even those with reduced numbers, may be significant to the taxon as a whole through contributions to genetic variability, environmental adaptation, and supplying emigrants to other populations. The Arizona DPS of the pygmy-owl may well contribute to the taxon as a whole in these ways, but our review of the available information does not adequately support a determination that this contribution is significant (see ''Delisting Analysis'' below).

General Comments Issue 5: Genetics of the Pygmy-Owl in Arizona, Texas, and Mexico

(6) *Comment:* An extension or reopening of the comment period was requested so that genetic information about to be published by Dr. Glenn Proudfoot could be considered in our determination.

Our Response: Our review of Dr. Proudfoot's work indicates that the information that he will soon publish is related more to the broad issue of pygmy-owl genetics across the entire range of the taxon and does not provide any additional information that shows a marked genetic difference between the Arizona DPS and other portions of the pygmy-owl range. No new information related to the Arizona DPS is presented that is not already found in Proudfoot and Slack 2001, which is available to the public and cited in our proposed rule. We did not rely on any of the work within Dr. Proudfoot's unpublished papers in making our determination. Therefore, we do not believe that reopening the public comment period after Dr. Proudfoot's work is published will provide any new information that would contribute to our determination.

(7) *Comment:* Another party indicated that work by Dr. Proudfoot could not legally be considered in our determination until it had been made available to the public.

Our Response: For the reasons described in our previous response, we did not rely on Dr. Proudfoot's unpublished work to make our determination.

(8) *Comment:* Dr. Proudfoot provided comments recommending that the Service should recognize current biological information and ascertain the distribution of what seems to be a genetically fragmented population in Arizona and Sonora prior to delisting the pygmy-owl.

Our Response: Dr. Proudfoot's comments indicated some genetic differentiation is occurring in south central Sonora, Mexico. As a result, he recommends that pygmy-owls in Sonora and Arizona be considered a separate conservation unit from pygmy-owls throughout the remainder of the western population. However, Dr. Proudfoot's comments included no additional information showing that the genetic makeup of the Arizona DPS differs markedly from other pygmy-owls within the western population.

(9) *Comment:* We should only be considering the significance of the Arizona DPS in relation to the western population because it has been shown that the eastern and western pygmy-owl populations are genetically different.

Our Response: Information found in Proudfoot and Slack (2001) does indicate that there is a marked genetic difference between the eastern and western populations of the pygmy-owl. However, we have not determined that these two populations are separate listable entities under the Act (species, subspecies, or DPS), and therefore, separate taxons. Accordingly, as required by our DPS policy, we evaluated whether the Arizona DPS is significant in relation to the taxon as a whole.

(10) *Comment:* There is not a marked genetic difference between pygmy-owls in Mexico and Arizona, and the loss of the Arizona DPS would not result in a decrease in genetic variability.

Our Response: Following a review of all the available information related to pygmy-owl genetics, we determined that the Arizona DPS of the pygmy-owl does not differ markedly in its genetic makeup from other pygmy-owls within the western population. Current information indicates some genetic differentiation occurring within Arizona and within the state of Sonora in Mexico. However, none of this information indicates that this differentiation is a marked genetic difference. Nonetheless, the Arizona DPS of the pygmy-owl does contribute to the genetic variability within the taxon and the loss of the Arizona DPS would result in the loss of some genetic variability within the species. However, we have determined that, because there is not a marked genetic difference, the contribution of the Arizona DPS is not significant to the taxon as a whole.

General Comments Issue 6: Additional Threats to the Pygmy-Owl in Arizona and Mexico, Including Drug Smuggling, Illegal Immigration, Law Enforcement Activities, Urban Development, Invasive Non-Native Species, and Fire

(11) *Comment:* A number of commenters provided information showing that pygmy-owls and pygmy-owl habitat in Arizona are being affected by drug smuggling, illegal immigration, law enforcement activities, urban development, and fire.

Our Response: These comments are related to threats and impacts to the pygmy-owl that would be appropriate for an analysis of the five factors outlined in the Act's standard for listing and which are considered in determining whether a listable entity is endangered or threatened. These comments do not inform our determination of the significance of the Arizona DPS of the pygmy-owl. We have determined that the Arizona DPS of the pygmy-owl is not a listable entity and, therefore, the five-factor analysis related to the Act's standard for listing is not relevant.

(12) *Comment:* The introduction of invasive, non-native grass species and a changing fire regime is resulting in the conversion of native vegetation communities in both Sonora, Mexico, and Arizona to habitats that are not suitable for the pygmy-owl.

Our Response: As we indicated in our response to the previous comment, these are issues that are related to the five factors we consider in determining if a listable entity is endangered or threatened and not in determining the significance of the Arizona DPS.

General Comments Issue 7: Application of the Service's DPS Policy

(13) *Comment:* Commenters indicated that our evaluation of the significance of the Arizona DPS of the pygmy-owl is not restricted to the factors listed in the proposed rule. They argue that the significance of the Arizona DPS to the population of pygmy-owls in the United States should be considered.

Our Response: While our DPS policy does indicate that factors related to significance other that those discussed in the proposed rule can be considered, the 9th Circuit's opinion clearly stated that considering the significance of the Arizona DPS of the pygmy-owl to just the United States was not appropriate.

(14) *Comment:* The Service's DPS policy needs to be revised to conform to the intent of the Act and the DPS policy.

Our Response: As indicated in the 9th Circuit's opinion, the revision of the Service's DPS policy is not the issue at hand.

(15) *Comment:* Commenters indicated that the Act cannot control the management or protection of the pygmy-owl in Mexico and that we should not have to rely on Mexico for protection of this species. Rather, we should protect it in the United States, where the Act has authority.

Our Response: Under the Act, it is possible to list and afford the protections of the Act to species that occur outside of the boundaries of the United States. However, we also acknowledge our limitations in prescribing and implementing conservation actions in other countries. Cooperative management of endangered species in coordination with other countries is a high priority within our agency. However, as discussed in our previous response, the 9th Circuit's opinion clearly stated that we cannot narrow our analysis of significance to just the United States. We must consider whether the Arizona DPS of the pygmy-owl is significant to the taxon as a whole.

General Comments Issue 8: Relationship of the Proposed Delisting to the 9th Circuit's Opinion and Other Court Cases

(16) *Comment:* The courts did not strip the Arizona DPS of its endangered status; therefore the Service should not be proposing delisting. The courts upheld the Service's determination of discreteness and did not find that the Arizona DPS was not significant.

Our Response: The courts have upheld our determination of the discreteness of the Arizona DPS. However, the 9th Circuit's opinion clearly stated that our determination of the Arizona DPS of the pygmy-owl was arbitrary and capricious because we were unable to articulate the significance of this DPS to the taxon as a whole. The District Court of Arizona remanded the listing of this DPS to us for reconsideration in light of the 9th Circuit's opinion. We have reconsidered our determination using the information available at the time of the listing, information related to pygmy-owls that has been generated since the listing, and public comments received during the public comment period. We have determined that the Arizona DPS of the pygmy-owls does not meet the criteria for significance as contained in our DPS policy (see ''Delisting Analysis'' below).

(17) *Comment:* The proposed delisting appears to be contrary to court rulings related to the tiger salamander in California, the gray wolf in Vermont and Oregon, and the green sturgeon in California.

Our Response: The cases mentioned have no bearing on determining the significance of a DPS and set no precedent that is pertinent to our determination.

(18) *Comment:* It is illegal to consider new information in making our determination. If new information is considered, the issue of discreteness should be revisited by the Service.

Our Response: The Arizona District Court order specifically indicated that we could consider information related to the pygmy-owl that has been generated since the listing in 1997. The courts upheld our determination of the discreteness of the Arizona DPS. No information was presented during the public comment period that compelled us to reconsider our determination of discreteness.

General Comments Issue 9: Effect of the Delisting on Local Conservation Planning Efforts

(19) *Comment:* A number of commenters were concerned that if the pygmy-owl is delisted, the work of local communities will be undermined with regard to ongoing conservation planning efforts.

Our Response: To the contrary, absent the protections of the Act, we believe that these local conservation efforts are even more important and can make significant contributions to the conservation of the pygmy-owl in Arizona. This final rule in no way diminishes the Service's mission to conserve fish and wildlife resources for the benefit of the American people. Our determination is the result of further analyses concerning our DPS policy and the direction of the courts. We continue to support the conservation of the pygmy-owl using all available conservation tools. We will continue to work in coordination with local entities to complete the ongoing conservation planning efforts. In addition, we will look for opportunities to use other tools, such as candidate conservation agreements, to further the conservation of the pygmy-owl. We will continue to coordinate with the Arizona Game and Fish Department and other pygmy-owl researchers in implementing conservation activities for this species.

General Comments Issue 10: Information on the Historical Distribution, Current Numbers, Habitat Preferences, Population Trends, etc., as Basis for a ''Not Significant'' Determination

(20) *Comment:* Some parties provided extensive information on the historical distribution, current numbers, habitat preferences, population trends, etc., in support of a ''not significant''

determination and the delisting the Arizona DPS of the pygmy-owl.

Our Response: The information provided (some of which are documents not previously in the Service's record on this action) does not constitute significant new information relevant to our determination. Much of the content involves issues, data, analyses, and discussions that have been debated since the listing of the Arizona DPS during recovery planning and other processes associated with the pygmy-owl. For example, the issues of historical occurrence of the pygmy-owl in riparian vs. desert scrub communities, the interpretation of historical data, current vs. historical range and associated population numbers, the contribution to the overall population of pygmy-owls in Tucson and northward as compared to those closer to Mexico have all been debated during the development of the draft recovery plan, as well as critical habitat proposals. There has been a history of scientific disagreement regarding the interpretation of this information. Since our rationale for a ''not significant'' determination is provided elsewhere in this final rule, and because we do not believe this information is pertinent to our determination, we do not address these comments here.

General Comments Issue 11: Numbers of Pygmy-Owls Outside of Arizona

(21) *Comment:* Some parties indicated that the additional pygmy-owls located in Mexico since the listing in 1997 support the idea that the Arizona DPS is not significant.

Our Response: As stated in a previous response, the significance of a population is not solely related to the numbers of individuals within that population. Populations may be significant to the taxon as a whole through contributions to genetic variability, environmental adaptation, and supplying emigrants to other populations. The Arizona DPS of the pygmy-owl may well contribute to the taxon as a whole in these ways, but our review of the available information did not indicate that this contribution is significant (see ''Delisting Analysis'' below).

(22) *Comment:* The numbers of pygmy-owls in Mexico are also declining, making the pygmy-owls in Arizona more significant to the taxon.

Our Response: Information submitted during the public comment period included one study that showed a short-term decline in the number of pygmy-owl responses along the U.S./Mexico border. We considered this study in determining whether loss of pygmy-owls in northern Sonora, Mexico, would result in Arizona pygmy-owls occupying a unique ecological setting (*i.e.,* a desert habitat); however, we did not find this to be the case (see ''Delisting Analysis'' below). This information is more relevant to a discussion concerning the status of an entity, in other words, whether the entity is threatened or endangered under the definitions in the Act. The question at issue for us was whether the Arizona population of pygmy owl is a valid listable entity under the DPS policy. Since we determined that the discrete population was not significant to the taxon as a whole, we are not required to evaluate the status and therefore this information is irrelevant to our determination.

(23) *Comment:* Other commenters stated that, even though the pygmy-owl appears to be more common in Mexico than in Arizona, this does not reduce the significance of the Arizona population because of ongoing issues in Mexico, including the invasion of natural vegetation communities by non-native species; the loss of soil organic carbon, soil litter and vegetative cover; more intense drought effects, including higher nighttime minimum temperature increasing evapotranspiration; and increased fire.

Our Response: As stated in previous responses, these threats would be considered in an evaluation of threatened or endangered status if we had determined that the Arizona DPS was a listable entity under the DPS policy.

General Comments Issue 12: Other DPS Configurations

(24) *Comment:* The Service should consider a DPS configuration for all Sonoran Desert areas, including Sonora, Mexico.

Our Response: While we have initiated some work to evaluate the potential of other DPS configurations through the development of the December 2003 white paper, we note that we did not receive any new information during the open comment period. Additional biological research and evaluation of existing data are needed to determine whether a different DPS configuration could be delineated consistent with our DPS policy and whether such an entity would merit consideration for listing.

Delisting Analysis

Application of the Significance Criteria to the Pygmy-Owl in Arizona

In the discussion below we evaluate the significance of the Arizona DPS in light of our DPS policy and the Ninth Circuit's ruling in this case. We considered the best available scientific information and public comments in this analysis. Thus, information known at the time of the listing of the pygmy-owl, as well as information obtained subsequently, was considered.

(1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon.

Approximately 80 percent of the historical distribution of the pygmy-owl falls within biotic communities classified as Forest, Woodland, or Scrubland communities. This includes pygmy-owls of southern Texas south through the Mexican states of Tamaulipas and Nuevo Leon, which occupy mesquite forest, riparian forest, thorn forest, tropical deciduous forest, heavy riparian forest, and areas more tropical in nature, including cypress groves (Cartron *et al.* 2000; Proudfoot and Johnson 2000; Leopold 1950). It also includes areas in southern Sonora, Sinaloa, and Nayarit where pygmy-owls occur within the tropical Sinaloan thornscrub and Sinaloan deciduous forest community types and associated riparian communities (Leopold 1950; Brown 1994; Phillips and Comus 2000).

Approximately 20 percent of the historical distribution, including pygmy-owls in Arizona, south through western Mexico and into the state of Sonora, falls within drier, desert-like communities, including Desertlands and Grasslands. In Arizona, the pygmy-owl is found within Sonoran Desert scrub or Semidesert Grassland biotic communities and associated riparian and xeroriparian (dry washes) communities (Cartron *et al.* 2000; Proudfoot and Johnson 2000). In northern Sonora, Mexico, the ecological setting in which the pygmy-owl is found exhibits similar ecological conditions to the range of the Arizona pygmy-owl with regard to vegetation, climate, soils, etc. (Leopold 1950; Brown 1994; Phillips and Comus 2000; *http://mexicochannel.net/maps/vegetation.gif; http://mexicochannel.net/maps/fauna.gif; http://mexicochannel.net/maps/soils.gif; http://mexicochannel.net/maps/temperatures.gif; http://mexicochannel.net/maps/climates.gif).*

Approximately 45 percent of the pygmy-owl range supporting these desert-like communities occurs in Arizona, with the remainder occurring in Sonora, Mexico. These numbers indicate that, while the area of Desertland and Grassland communities occupied by pygmy-owls within their overall range is considerably less than the wetter, more tropical vegetation

communities, Arizona does not support the only, or even a majority, of these biotic communities within the historical range of the pygmy-owl.

In northern Sonora, Mexico, millions of acres of Sonoran Desert and thornscrub are being converted to buffelgrass (*Pennisetum ciliaris*) which represents both a direct and an indirect loss of habitat because of invasion into adjacent areas and increased fire frequency and intensity (Burquez-Montijo *et al.* 2002). This conversion of habitat may ultimately result in the creation of an ecological setting in northern Mexico that is very different than the Sonoran desert scrub currently found in Mexico and Arizona. However, in determining the significance of the Arizona DPS, we must consider the current conditions occupied by the species. The direct and indirect threats associated with the conversion of Sonoran desert scrub to exotic grasslands is more appropriately considered under the determination of endangered or threatened status rather than the significance of the DPS. We find that there is not adequate information to indicate that Arizona pygmy-owls occupy an ecological setting differing enough from pygmy-owls in northern Sonora, Mexico, to be considered unique for the taxon.

(2) Evidence that loss of the discrete population segment would result in a significant gap in the range of the taxon.

In the listing rule (March 10, 1997; 62 FR 10730), we found that the gap in the range of the taxon through loss of the Arizona pygmy-owls would be significant because it would (a) decrease the genetic variability of the taxon; (b) reduce the current range of the taxon; (c) reduce the historical range of the taxon; and (d) extirpate the western pygmy-owls from the United States.

With regard to genetic variability, factor (a) above, in our listing rule we were able to determine genetic distinctness between western and eastern pygmy-owls; however, we did not have evidence of genetic differences between pygmy-owls in Arizona and northwestern Mexico. Proudfoot and Slack (2001) found that there were distinct differences between pygmy-owls in Arizona and Texas. Their work also showed genetic differences between pygmy-owls in eastern and western Mexico. Dr. Proudfoot has conducted considerable work on pygmy-owl genetics since the 2001 report. However, he has presented no new information that would indicate that pygmy-owls in Arizona differ markedly in their genetic makeup from other pygmy-owls within the western population.

Genetic divergence tends to occur at the periphery of a species' range (Lesica and Allendorf 1995). The peripheral nature of the Arizona pygmy-owls may increase the potential for the population to diverge from populations in Sonora and Sinaloa, Mexico at some point in the future. However, significance must be judged based on the current facts regarding the species, not on future possibilities. Because there is currently no indication that pygmy-owls in Arizona are genetically distinct from those in northern Sonora, we have no evidence to suggest that the contribution of the Arizona DPS to the genetic diversity of this species as a whole is significant.

With regard to factor (b), a reduction in current range, the court looked to other DPS rules and findings published by the Service. In particular, the court looked at the Service's DPS listing of the northern bog turtle (November 4, 1997, 62 FR 59605) and the 12-month finding for the yellow-billed cuckoo in the western continental United States (July 25, 2001, 66 FR 38611). In summary, the court found that determining a gap to be significant based on the curtailment of a taxon's current range requires the loss of a geographic area that amounts to a substantial reduction of a taxon's range. In this case, the taxon's (*Glaucidium brasilianum cactorum*) range includes both the western and eastern pygmy-owl populations, occurring 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. As stated in the 1997 listing rule, Arizona pygmy-owls would only represent a small percentage of the total range of the taxon. Our reevaluation of the *current* distribution of the pygmy-owl indicates that Arizona makes up approximately 5 percent of the entire range. We do not believe that this is sufficient evidence to support a determination that loss of Arizona pygmy-owls represents a substantial reduction in the taxon's range based on the geographic area which would be lost. Therefore we find that the geographic area of the current range that would be lost, in and of itself, is not significant.

The current range of the pygmy-owl in Arizona could also be significant if the population in Arizona is numerous or constitutes a significant percentage of the total number of pygmy-owls within the taxon, the loss of which would be a significant gap in the population. However, pygmy-owls in Arizona are not numerous, nor do we believe that they represent a significant percentage of the pygmy-owls within the taxon. We do not find that the numbers of pygmy-owls in Arizona, both currently and historically, represent a basis for determining that the loss of the Arizona DPS would result in a significant gap in the population numbers of the taxon as a whole.

With regard to factor (c) above, we found in our listing rule that the gap would be significant because the loss of the Arizona pygmy-owls would reduce the historical range of the taxon. We found this to be true because the Arizona population is at the periphery of the western pygmy-owls' historical range, and that this peripheral population was always a stable portion of that range. We do believe that protection and management of peripheral populations may be important to the survival and evolution of species. Maintaining genetic diversity within the western population and the taxon as a whole is even more important in the face of documented land use changes, primarily effects from converting native vegetation to agricultural crops and buffelgrass pastures for livestock grazing, in Mexico (Burquez and Martinez-Yrizar 1997). Peripheral populations often persist when core populations are extirpated (Channell and Lomolino 2000a, 2000b; Lomolino and Channell 1995). In the face of changing environmental conditions, what constitutes a peripheral population today could be the center of the species' range in the future (Nielsen *et al.* 2001). Peripheral populations survive more frequently than do core populations when species undergo dramatic reductions in their range (>75 percent; Channell and Lomolino 2000a). However, the court found that this factor alone does not make Arizona a ''major geographical area'' in the western pygmy-owl's historical range.

Arizona makes up only about 12 percent of the historical range of the pygmy-owl, and we do not find that the loss of 12 percent of the historical range represents a significant geographic area. We found no information indicating that the population of pygmy-owls found in this 12 percent of the historical range made contributions to the entire taxon that were unique to Arizona. We have not found sufficient information to indicate that the contribution of this historical proportion of the range contributes to the long-term survival of the species. Additionally, as noted above, we also do not have evidence that the historical range of the pygmy-owl in Arizona supported a marked genetic difference between Arizona pygmy-owls and pygmy-owls in western Mexico. Because we found that the 12

percent of the pygmy-owl's historical range found in Arizona does not constitute a major geographic area, nor does it, as a peripheral population, contribute significantly to the overall genetic diversity of the species, we are unable to determine that the loss of the Arizona DPS would represent a significant gap in the range of the pygmy-owl based on the reduction of the historical range.

With regard to (d) above, we determined that a gap would be significant because it would deprive the United States of its portion of the western pygmy-owl's range. The Ninth Circuit rejected this argument as a misconstruction of this criterion. The court found that in designating a DPS under the DPS policy, we must find that a discrete population is significant to the taxon as whole, not to the United States. We determined in our listing rule that Arizona pygmy-owls represented only ''a small percentage'' of the total range of the western pygmy-owls. As noted above, the taxon includes both the western and eastern pygmy-owl populations, occurring 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. We do not believe that we have sufficient evidence to support a determination that the Arizona pygmy-owls represent a significant portion of the geographical range of the taxon in light of the court's finding that we can not rely on the value of the United States' portion of the range in applying the DPS policy.

(3) Evidence that the discrete population segment represents the only surviving natural occurrence of the taxon that may be more abundant elsewhere as an introduced population outside its historical range.

This criterion does not apply to the pygmy-owl.

(4) Evidence the discrete population segment differs markedly from other populations of the taxon in its genetic characteristics.

As discussed above, a marked difference between the eastern and western pygmy-owl population segments has been documented, but no information exists that provides evidence to support that there is a marked genetic difference between pygmy-owls in Arizona and the rest of the western population of pygmy-owls.

Effects of the Final Rule

This action removes the Arizona DPS of the pygmy-owl from the List of Endangered and Threatened Wildlife. The prohibitions and conservation measures provided by the Act no longer apply to this species. Federal agencies are no longer required to consult with us on their actions that may affect the pygmy-owl and to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of the pygmy-owl. At this time we can't speculate about the future of lands conserved through previous section 7 consultations. The conservation of those lands will depend upon the mechanisms by which they were conserved and the purpose of the conservation. Federal agencies are also relieved of their responsibilities under section 7(a)(1) of the Act to use their authorities to further the conservation of the pygmy-owl. Additionally, we will not finalize the designation of critical habitat nor will we complete a final recovery plan. The critical habitat designation for the pygmy-owl, as described in 50 CFR 17.95, is removed.

Currently, we provide technical assistance to the public to minimize effects from non-Federal projects to the pygmy-owls and their habitat. We will likely no longer receive these types of requests.

Permitted scientific take as a result of surveys and research will likely continue to be regulated by the State of Arizona, Arizona Game and Fish Department, and will be considered in the context of potential effects to population stability.

Future Conservation Measures

The 1988 amendments to the Act require that all species delisted due to recovery be monitored for at least five years following delisting. The pygmy-owl is being delisted because it fails to meet the criteria outlined in our DPS policy and, therefore, does not qualify as a listable entity. Therefore, no monitoring period following delisting is required.

Required Determinations

Paperwork Reduction Act

OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act, require that Federal agencies obtain approval from OMB before collecting information from the public. Implementation of this final rule does not include any collection of information that requires approval by OMB under the Paperwork Reduction Act.

National Environmental Policy Act (NEPA)

We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining our reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited in this final rule is available from the Arizona Ecological Services Field Office (see **ADDRESSES**).

Authors

The primary authors of this document are staff located at the Arizona Ecological Services Office (see **ADDRESSES**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we hereby amend part 17, subchapter B of Chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry for ''Pygmy-owl, cactus ferruginous'' under ''BIRDS'' from the List of Endangered and Threatened Wildlife.

§ 17. 95 [Amended]

■ 3. Amend § 17.95(b) by removing designated critical habitat for ''Cactus Ferruginous Pygmy-Owl (*Glaucidium brasilianum cactorum*)'' under ''BIRDS''.

Dated: April 3, 2006.

H. Dale Hall,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 06–3470 Filed 4–13–06; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 71, No. 72
Friday, April 14, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 875

RIN 3206–AK99

Federal Long Term Care Insurance Program: Miscellaneous Changes, Corrections, and Clarifications

AGENCY: Office of Personnel Management.

ACTION: Proposed regulations.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations to amend the Federal Long Term Care Insurance Program (FLTCIP) regulations. The proposed regulations will make miscellaneous changes, corrections, and clarifications to the FLTCIP regulations.

DATES: OPM must receive comments on or before June 13, 2006.

ADDRESSES: Send written comments to Anne S. Easton, Manager, Insurance Group, Center for Employee and Family Support Policy, Strategic Human Resources Policy Division, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415; or deliver to OPM, Room 3425, 1900 E Street, NW., or FAX to (202) 606–0633.

FOR FURTHER INFORMATION CONTACT: Anne Easton at (202) 606–0770.

SUPPLEMENTARY INFORMATION: The final FLTCIP regulations were published in the **Federal Register** May 27, 2005 (70 FR 30605). In those regulations OPM replaced references to ''Federal civilian and Postal employees and members of the uniformed services'' with ''active workforce member'' in several places. We are making a similar change in 2 additional places: §§ 875.405 and 875.410. We are also correcting an incorrect section reference in § 875.209 of the previously published regulations.

Section 875.408 of the FLTCIP regulations discusses incontestability, a provision that allows coverage based on an erroneous application to continue under certain circumstances. The FLTCIP contractor often doesn't learn that coverage is based on an erroneous application until someone files a claim, and the contractor becomes aware that the information on the individual's application differed from what is shown in that individual's medical records. If the erroneous coverage has been in effect less than 2 years, or if the application contained knowingly false or misleading information, the contractor may rescind (void) the coverage and refund the individual's premiums. Section 875.104 of the FLTCIP regulations contains procedures for resolving disputes concerning eligibility for benefits and payment of claims. These proposed regulations clarify that the claims dispute procedures apply only to persons who have valid coverage under the Program. They do not apply to individuals whose erroneous coverage has been rescinded.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only enrollees in the Federal Long Term Care Insurance Program.

List of Subjects in 5 CFR Part 875

Administrative practices and procedures, Employee benefit plans, Government contracts, Government employees, Health insurance, Military personnel, Organization and functions, Retirement.

Office of Personnel Management.

Linda M. Springer,

Director.

Accordingly, OPM proposes to amend 5 CFR part 875, as follows:

PART 875—FEDERAL LONG TERM CARE INSURANCE PROGRAM

1. The authority citation for 5 CFR part 875 continues to read as follows:

Authority: 5 U.S.C. 9008.

2. In § 875.104 add paragraph (f) to read as follows:

§ 875.104 What are the steps required to resolve a dispute involving benefit eligibility or payment of a claim?

* * * * *

(f) The procedures described in paragraphs (a), (b), (c), (d), and (e) of this section apply only if you have valid coverage under the FLTCIP. If the Carrier determines that your coverage was based on an erroneous application and voids the coverage as described in § 875.408 of this part, these provisions do not apply. The Carrier will provide you with information on your review rights in its rescission letter (letter voiding your coverage).

3. In § 875.209 revise the last sentence of paragraph (b) to read as follows:

§ 875.209 How do I demonstrate that I am eligible to apply for coverage?

* * * * *

(b) * * * The incontestability provisions in § 875.408 do not apply to this section.

(4) In § 875.405 revise the first sentence of paragraph (a)(1) to read as follows:

§ 875.405 If I marry, may my new spouse apply for coverage?

(a)(1) If you are an active workforce member and you have married, your spouse is eligible to submit an application for coverage under this section within 60 days from the date of your marriage and will be subject to the underwriting requirements in force for the spouses of active workforce members during the most recent open season. * * *

* * * * * *

5. In § 875.408 revise paragraph (a) to read as follows:

§ 875.408 What is the significance of incontestability?

(a) *Incontestability* means coverage issued based on an erroneous application may remain in effect. Such coverage will not remain in effect under any of the following conditions:

(1) If your coverage has been in force for less than 6 months, the Carrier may void your coverage upon a showing that information on your signed application that was material to your approval for coverage is different from what is shown in your medical records.

(2) If your coverage has been in force for at least 6 months but less than 2 years, the Carrier may void your coverage upon a showing that information on your signed application that was material to your approval for coverage is different from what is shown in your medical records and pertains to

the condition for which benefits are sought.

(3) After your coverage has been in effect for 2 years, the Carrier may void your coverage only upon a showing that you knowingly and intentionally made a false or misleading statement or omitted information in your signed application for coverage regarding your health status that was material to your approval for coverage.

(4) If your coverage is voided, as described in paragraph (a)(1), (a)(2), or (a)(3) of this section, no claims will be paid. In addition, the provisions of § 875.104 relating to the procedures for resolving a dispute involving benefits eligibility or claims denials do not apply to your situation. You may request a review by the Carrier if you believe that your coverage was voided in error. You must submit your request in writing to the Carrier within 30 days of the date of this rescission letter (letter voiding your coverage).

6. In § 875.410 revise the first sentence to read as follows:

§ 875.410 May I continue my coverage when I leave Federal or military service?

If you are an active workforce member, your coverage will automatically continue when you leave active service, as long as the Carrier continues to receive the required premium when due. * * *

[FR Doc. 06–3585 Filed 4–13–06; 8:45 am]

BILLING CODE 6325–39–M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1310

Administrative Cost Recovery

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Propsed rule.

SUMMARY: TVA proposed to amend its administrative cost recovery regulations by eliminating cost recovery exemptions from the following: Conveyances of land pursuant to section 4(k)(d) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831c(k)(d)); TVA phosphate land transactions; and permits and licenses for use of TVA land by distributors of TVA power.

The implementation of this rule amendment would allow TVA to recover more of its administrative cost incurred in processing certain actions from those who directly benefit from the actions.

DATES: Comments must be submitted on or before May 15, 2006.

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

- Mail/Hand Delivery: Teresa C. McDonough, Manager, Resource Stewardship Process Initiatives, 400 West Summit Hill Drive, WT 11B, Knoxville, Tennessee 37902.
- E-mail: *tcmcdonough@tva.gov.* Include CFR citation in the subject of the message.
- Fax: (865) 632–2345. Attention to Teresa C. McDonough, Manager, Resource Stewardship Process Initiatives.

FOR FURTHER INFORMATION CONTACT: Teresa C. McDonough, Manager, Resource Stewardship Process Initiatives, (865) 632–6512.

SUPPLEMENTARY INFORMATION: In order to help ensuer that TVA land management and permitting activities are self-sustaining to the full extend possible, the agency has determined that its administrative cost recovery regulations should be amended by eliminating certain mandatory cost recovery exemptions. This determinations is consistent with the objectives of increasing efficiency and recovery the cost of government services from those who most directly benefit from the services.

TVA now proposed to amend its administrative cost recovery regulation by eliminating the following exemptions: Conveyenace of land pursuant to section 4(k)(d) of the Tennessee Valley Authority of 1933, as amended (16 U.S.C. 831c(k)(d)); TVA phosphate land transactions; and permits and licenses for use of TVA land by distributors of TVA power.

This proposed amendment does not impose an information collection burden under the provision of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This proposed action will not have a significant impact on a substantial number of small entities as described in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* There will be no significant economic impact from the amendments include the proposed rule would not significantly add to the cost of one who conducts an activity upon or acquires TVA property. Any economic impact that would occur as a result of the rule amendment would not affect a substantial number of small entities because TVA only receives about ten land use applications from the currently exempted parties each year. Pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1501 *et seq.*, the proposed rule does not include any Federal mandates for state, local, and tribal government or the private sector. In addition, any expenditures by state, local, and tribal government or the private sector in connection with the rule would be substantially less than $100 million in any one year.

List of Subjects in 18 CFR Part 1310

Government property, Hunting.

For the reasons set out in the preamble, TVA proposed to amend 18 CFR 1310 as follows:

PART 1310—ADMINISTRATIVE COST RECOVERY

1. The authority citation from part 1310 continues to read as follows:

Authority: 16 U.S.C. 831–831dd; 31 U.S.C. 9701.

2. Revise paragarph (b) of § 1310.2 to read as follows:

§ 1310.2 Application.

* * * * *

(b) *Exemption.* An administrative charge shall not be made for the following actions:

(1) Releases of unneeded mineral right options.

(2) TVA mineral transactions.

* * * * *

Authority: 16 U.S.C. 831–831dd (2000 & Supp. III 2003).

Dated: March 30, 2006.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment and Environment Executive, Tennessee Valley Authority.

[FR Doc. 06–3451 Filed 4–13–06; 8:45 am]

BILLING CODE 8120–08–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–030]

RIN 1625–AA00

Safety Zone: Yorktown July Fourth Fireworks Celebration, York River, Yorktown, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a safety zone in the vicinity of the Yorktown Fishing Pier in Yorktown, VA on July 4, 2006 in support of the Yorktown July Fourth Fireworks Celebration. This action is intended to restrict vessel traffic on York River as necessary to protect mariners from the hazards associated with fireworks displays.

DATES: Comments and related material must reach the Coast Guard on or before June 1, 2006.

ADDRESSES: You may mail comments and related material to Commander, Sector Hampton Roads, Norfolk Federal Building, 200 Granby St., 7th Floor, Attn: Lieutenant Bill Clark, Norfolk, VA 23510. Sector Hampton Roads maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Federal Building between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580.

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 CGD05–06–030 and 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 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 Commander, Sector Hampton Roads 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

On July 4, 2006, the Yorktown July Fourth Fireworks Celebration will be held on the banks of York River in Yorktown, VA. Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, vessel traffic will be temporarily restricted within a 1200 foot radius of the display.

Discussion of Proposed Rule

The Coast Guard proposes to establish a 1200 foot safety zone on specified waters of York River in position 37–14–14.81N/076–30–0.08W, in the vicinity of the Yorktown Fishing Pier in Yorktown, VA. This regulated area will be established in the interest of public safety during the Yorktown July Fourth Fireworks Celebration and will be enforced from 8:45 p.m. to 10 p.m. on July 4, 2006. General navigation in the safety zone will be restricted during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under 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 rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation restricts access to the regulated area, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration of time and (ii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because the zone will only be in place for a limited duration of time and maritime advisories will be issued allowing the mariners to adjust their plans accordingly. However, this rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in that portion of the York River from 8:45 p.m. to 10 p.m. on July 4, 2006.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they 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 Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580.

The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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 rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed 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 made a preliminary determination 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, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' is not required for this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 subpart C as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add Temporary § 165.T06–030, to read as follows: § 165.T06–030 Safety Zone: *Yorktown July Fourth Fireworks Celebration, York River, Yorktown, VA.*

(a) Location. The following area is a safety zone: All waters within 1200 feet of position 37–17–14.81N/076–30–0.08W in the vicinity of the Yorktown Fishing Pier on the York River, Yorktown, VA within the Captain of the Port, Hampton Roads zone as defined in 33 CFR 3.25–10.

(b) Definition:

Captain of the Port Representative: means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) Regulation:

(1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(1) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone Number (757) 668–5555 or (757) 484–8192.

(2) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM 13 and 16.

(d) Effective date: This regulation is effective from 8:45 p.m. to 10 p.m. on July 4, 2006.

Dated: April 4, 2006.

Robert R. O'Brien, Jr.,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. E6–5587 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–026]

RIN 1625–AA00

Safety Zone: Fireworks Display Over Water, Barrets Point, Williamsburg, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes the establishment of a safety zone in support of the Fireworks Display Over Water event occurring on July 4, 2006 on the banks of Chickohominy River in

the vicinity of Barrets Point in Williamsburg, VA. This action is intended to restrict vessel traffic on Chickohominy River as necessary to protect mariners from the hazards associated with fireworks displays.

DATES: Comments and related material must reach the Coast Guard on or before June 1, 2006.

ADDRESSES: You may mail comments and related material to Commander, Sector Hampton Roads, Norfolk Federal Building, 200 Granby St., 7th Floor, Attn: Lieutenant Bill Clark, Norfolk, VA 23510. Sector Hampton Roads maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Norfolk Federal Building between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads, at (757) 668–5580.

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 CGD05–06–026 and 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 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 United States Coast Guard 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

On July 4, 2006, the Fireworks Display Over Water event will be held on the banks of Chickohominy River in the vicinity of Barrets Point in Williamsburg, VA. Due to the need to protect mariners and spectators from the hazards associated with fireworks displays, vessel traffic will be temporarily restricted within a 500 foot radius of the display.

Discussion of Proposed Rule

The Coast Guard proposes to establish a safety zone that encompasses all waters of Chickohominy River within 500 feet of position 37–15–50N/076–52–17W in the vicinity of the Barrets Point in Williamsburg, VA. This regulated area will be established in the interest of public safety during the Fireworks Display Over Water event and will be enforced from 8:30 p.m. to 10:30 p.m. on July 4, 2006. General navigation in the safety zone will be restricted during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under 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 rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation restricts access to the regulated area, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration of time and (ii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because the zone will be in place for a limited duration of time and maritime advisories will be issued allowing the mariners to adjust their plans accordingly. However, this rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in that portion of the Chickahominy River from 8:30 p.m. to 10:30 p.m. on July 4, 2006.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they 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 Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580.

The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a

State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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 rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed 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 made a preliminary determination 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, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' is not required for this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 subpart C as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add Temporary § 165.T06–026, to read as follows:

§ 165.T06–026 Safety Zone: Fireworks Display Over Water, Barrets Point, Williamsburg, VA.

(a) Location. The following area is a safety zone: All waters of Chickohominy River in the Captain of the Port, Hampton Roads zone as defined in 33 CFR § 3.25–10 within 500 feet of position 37–15–50N/076–52–17W in the vicinity of the Barrets Point in Williamsburg, VA.

(b) Definition:

Captain of the Port Representative: Any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads to act on his behalf.

(c) Regulation:

(1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(1) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone Number (757) 668–5555 or (757) 484–8192.

(2) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM 13 and 16.

(d) Effective date: This regulation is effective from 8:30 p.m. to 10:30 p.m. on July 4, 2006.

Dated: April 4, 2006.

Robert R. O'Brien, Jr.,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. E6–5583 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–027]

RIN 1625–AA00

Safety Zone: Shore Thing and Independence Day Fireworks Display, Chesapeake Bay, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes the establishment of a safety zone in support of the Shore Thing and Independence Day Fireworks Display occurring on June 30, 2006 on the Chesapeake Bay, Norfolk, VA. This action is intended to restrict vessel traffic on the Chesapeake Bay as necessary to protect mariners from the hazards associated with fireworks displays.

DATES: Comments and related material must reach the Coast Guard on or before June 1, 2006.

ADDRESSES: You may mail comments and related material to Commander, Sector Hampton Roads, Norfolk Federal Building, 200 Granby St., 7th Floor, Attn: Lieutenant Bill Clark, Norfolk, VA 23510. Sector Hampton Roads maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Norfolk Federal Building between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580.

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 CGD05–06–027 and 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 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 Commander, Sector Hampton Roads 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

On June 30, 2006, the Shore Thing and Independence Day Fireworks Display will be held on the Chesapeake Bay, Norfolk, VA. Spectators will be observing from both the shore and from vessels. Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, vessel traffic will be temporarily restricted within a 400 foot radius of the display.

Discussion of Proposed Rule

The Coast Guard proposes to establish a safety zone that encompasses all waters within 400 feet of position 36–57–21N/076–15–00W on the Chesapeake Bay in the vicinity of Ocean View Beach Park in support of the Shore Thing and Independence Day Fireworks Display. The safety zone will be enforced from 9 p.m. to 10 p.m. on June 30, 2006. General navigation in the safety zone will be restricted during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under 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 rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation restricts access to the regulated area, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration of time and (ii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in that portion of the Chesapeake Bay from 9 p.m. to 10 p.m. on June 30, 2006. The safety zone will not have a significant impact on a substantial number of small entities, because the zone will only be in place for a limited duration of time and maritime advisories will be issued, so the mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they 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 Lieutenant Bill Clark, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580.

The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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 rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed 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 made a preliminary determination 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, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' is not required for this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 subpart C as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add Temporary § 165.T06–027, to read as follows:

§ 165.T06–027 Safety Zone: Shore Thing and Independence Day Fireworks Display, Chesapeake Bay, Norfolk, VA.

(a) Location. The following area is a safety zone: All waters of the Chesapeake Bay within 400 feet of position 36–57–21N / 076–15–00W in the Captain of the Port, Hampton Roads zone as defined in 33 CFR 3.25–10 in the vicinity of Ocean View Beach Park in support of the Shore Thing and Independence Day Fireworks Display in Norfolk, VA.

(b) Definition:

Captain of the Port Representative: means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads to act on his behalf.

(c) Regulation:

(1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel displaying a U.S. Coast Guard Ensign.

(1) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone

Number (757) 668–5555 or (757) 484–8192.

(2) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM 13 and 16.

(d) Effective date: This regulation is effective from 9 p.m. to 10 p.m. on June 30, 2006.

Dated: April 4, 2006.

Robert R. O'Brien, Jr.,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. E6–5584 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2006–0287; FRL–8158–6]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) submission by the state of Missouri which revises the Construction Permits Required rule, and we are taking no action on the revisions made to the Emissions Banking and Trading rule. We propose to approve most of the revisions to the Construction Permits Required rule because the revisions incorporate, by reference, the Federal New Source Review reforms, published in the **Federal Register** on December 31, 2002. In a February 28, 2006, letter from the Missouri Department of Natural Resources, Missouri requested EPA not act on certain rule references. Specifically, Missouri requested EPA not act on references to Clean Unit Exemptions, Pollution Control Projects, and the record keeping provisions for the actual-to-projected-actual emissions projections. Missouri requests no action on these provisions because of the June 24, 2005, United States Court of Appeals for the District of Columbia Circuit's decision, which vacated the Clean Unit Exemption and Pollution Control Project provisions and remanded back to EPA the recordkeeping provisions for the actual-to-projected-actual emissions projections standard for when a source must keep certain project related records.

DATES: Comments must be received on or before May 15, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2006–0287, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. E-mail: *algoe-eakin.amy@epa.gov*.

3. Mail: Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

4. Hand Delivery or Courier. Deliver your comments to: Amy Algoe-Eakin, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2006–0287. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Amy Algoe-Eakin at (913) 551–7942, or by e-mail at *algoe-eakin.amy@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What Is the Federal Approval Process for a SIP?
What Is Being Addressed in This Document?
What Is the Background for EPA's New Source Review (NSR) Reform Rule?
What Is Missouri's NSR Reform Rule and What Action Has Missouri Requested on the Rule?
What Is EPA's Proposed Action on Missouri's Definition of ''Baseline Area''?
Have the Requirements for Approval of a SIP Revision Been Met?
What Action Is EPA Proposing?

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally-enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the Clean Air Act (CAA or Act) are incorporated into the Federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their

entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Is Being Addressed in This Document?

We are proposing to approve the Missouri Department of Natural Resources' (MDNR) request to include, as a revision to Missouri's SIP, amendments to rule 10 CSR 10–6.060, Construction Permits Required, and we are not acting on the revisions to 10 CSR 10–6.410, Emissions Banking and Trading rule. These rules were adopted by the Missouri Air Conservation Commission on August 26, 2004, and became effective under state law on December 30, 2004. The rules were submitted to EPA on February 25, 2005, and the submission included comments on the rules made during the state's adoption process, the state's response to comments and other information necessary to meet EPA's completeness criteria. For additional information on completeness criteria, the reader should refer to 40 CFR part 51, appendix V.

What Is the Background for EPA's New Source Review (NSR) Reform Rule?

The 2002 NSR Reform rules are part of EPA's implementation of Parts C and D of title I of the CAA, 42 U.S.C. 7470–7515. Part C of title I of the CAA, 42 U.S.C. 7470–7492, is the Prevention of Significant Deterioration (PSD) program, which applies in areas that meet the National Ambient Air Quality Standards (NAAQS), also known as, ''attainment areas'' and in areas for which there is insufficient information to determine whether the area meets the NAAQS, also known as, ''unclassifiable'' areas. Part D of Title I of the CAA, 42 U.S.C. 7501–7515, is the nonattainment New Source Review (NNSR) program, which applies in areas that are not in attainment of the NAAQS, also known as, ''nonattainment areas.'' Collectively, the PSD and NNSR programs are referred to as the ''New Source Review'' or NSR programs. EPA regulations implementing these programs are contained in 40 CFR 51.165, 51.166, 52.21 52.24 and part 51, appendix S. The Missouri rules which are the subject of this proposal address the Part C requirements for attainment and unclassifiable areas.

The CAA NSR programs are preconstruction review and permitting programs applicable to new and modified stationary sources of air pollutants regulated under the CAA. The NSR programs of the CAA include a combination of air quality planning and air pollution control technology program requirements. Briefly, section 109 of the CAA, 42 U.S.C. 7409, requires EPA to promulgate primary NAAQS to protect public health and secondary NAAQS to protect public welfare. Once EPA sets those standards, states must develop, adopt, and submit to EPA for approval, an SIP that contains emissions limitations and other control measures to attain and maintain the NAAQS. Each SIP is required to contain a preconstruction review program for the construction and modification of any stationary source of air pollution to assure that the NAAQS are achieved and maintained; to protect areas of clean air; to protect air quality related values (such as visibility) in national parks and other areas; to assure that appropriate emissions controls are applied, to maximize opportunities for economic development consistent with the preservation of clean air resources; and to ensure that any decision to increase air pollution is made only after full public consideration of the consequences of the decisions.

The 2002 NSR Reform rules made changes to five areas of the NSR programs. In summary, the 2002 rules: (1) Provide a new method for determining baseline actual emissions; (2) adopt an actual-to-projected-actual methodology for determining whether a major modification has occurred; (3) allow major stationary sources to comply with plantwide applicability limits (PALs) to avoid having a significant emission increase that triggers the requirements of the major NSR program; (4) provide a new applicability provision for emissions units that are designated clean units; and (5) exclude pollution control projects (PCPs) from the definition of physical change or change in the method of operation.

After the 2002 NSR Reform rules were finalized and effective, various petitioners challenged numerous aspects of the 2002 NSR Reform rules, along with portions of EPA's 1980 NSR rules (45 FR 5276 August 7, 1980). On June 24, 2005, the District of Columbia Court of Appeals issued a decision on the challenges to the 2002 NSR Reform Rules. *New York* v. *United States*, 413 F.3d (DC Cir. 2005). In summary, the Court of Appeals for the District of Columbia vacated portions of the rules pertaining to clean units and pollution control projects, remanded a portion of the rules regarding exemption from recordkeeping, e.g., 40 CFR 52.21(r)(6) and 40 CFR 51.166(r)(6), and let stand the other provisions included as part of the 2002 NSR Reform rules. EPA has not yet responded to the Court's remand regarding recordkeeping provisions.

What Is Missouri's NSR Reform Rule and What Action Has Missouri Requested on the Rule?

In this action, we propose approval of revisions to Missouri rule, 10 CSR 10–6.060, Construction Permits Required, into the SIP. This rule incorporates by reference the Federal PSD program in 40 CFR 52.21, including the 2002 NSR Reform rules described above.

In relevant parts, the Missouri rule excludes the public participation requirements in § 52.21(q), in favor of the Missouri public participation process, previously approved in the SIP, in 10 CSR 10–6.060 section (12)(B). The Missouri rule retains a number of tables and appendices which apply to the State's minor NSR program as well as the PSD program. These include provisions on innovative control technologies (Appendix E), exclusion from increment consumption (Appendix G), and air quality models (Appendix F). To the extent that these provisions or similar provisions are addressed by § 52.21, the provisions of § 52.21 supersede the state provisions for purposes of the PSD program. Other provisions, such as the permit fee provisions in Appendix (A) of 10 CSR 10–6.060, which are not addressed by § 52.21, remain in effect.

Missouri's rule was adopted prior to the *New York* decision described above so it included the vacated and remanded provisions of EPA's rule. However, Missouri requested in a February 28, 2006, letter that EPA not act on the PCP, Clean Unit Exemption provisions, and the reasonable possibility provision in the recordkeeping provisions for the actual-to-projected-actual emissions projections applicability test. Missouri has also clarified that they commit to following EPA's definition of 'replacement unit' and will follow EPA's clarification of how baseline emissions for PALs will be calculated (these clarifications to the EPA's rules were promulgated after the incorporation by reference date in the Missouri rule). When Missouri updates the Construction Permits Required rule, 10 CSR 10–6.060, Missouri commits to incorporating EPA's definition of replacement unit by reference and will include EPA's clarification of how baseline emissions for PALs are to be calculated.

We are taking no action on these provisions and on revisions to rule 10 CSR 6.410, Emissions Banking and Trading, because the only revision to this rule was a change to prevent

sources from generating Early Reduction Credits from Pollution Control Projects (PCPs) that take advantage of the PCP exclusion provisions in EPA's NSR Reform rules. Since the PCP exclusion was vacated and we are not acting on it, as it relates to Missouri rule 10 CSR 10–6.060, we are not acting upon the revision to Missouri rule 10 CSR 10–6.410.

The remaining rule revisions being proposed are approvable because Missouri incorporated the December 31, 2002, New Source Review reform regulation found in 40 CFR 52.21 by reference. We also note that Missouri clarified section (9)(C)1 of the Construction Permits Required rule. Section 9 outlines Hazardous Air Pollutant permit requirements which are exempt from hazardous air pollutant permit requirements unless they are listed on the source category list established in accordance with section 112(c) of the CAA. We are taking no action on including revisions to Section 9, because Section 9 addresses hazardous air pollutants under Section 112 and is not presently in the SIP.

What Is EPA's Proposed Action on Missouri's Definition of ''Baseline Area''?

Missouri's initial NSR reform submission, which largely incorporates 40 CFR 52.21 by reference, retained the state's own definition of ''baseline area'' for purposes of section (1)(A)1. Additionally, Missouri requested in the February 28, 2006, letter that we approve the Construction Permits Required rule and retain Missouri's definition of baseline area in section (1)(A)1. Missouri acknowledges that the current Construction Permits Required rule does not contain the statement, ''designated as attainment or classifiable under section 107(d)(1)(D) or (E) of the Act consistent with the Federal definition of ''baseline area.'' We had previously approved this definition of baseline area with the specification that Missouri redesignate the areas of significant impact as the baseline area (proposed rule, 47 FR 7696, and final rule, 47 FR 26833). Missouri must make area-specific designation requests and EPA must approve the redesignation of the area before Missouri could establish new baseline areas under its rule. Missouri commits to revising the ''baseline area'' definition to clarify it will redesignate the areas of significant impact as baseline areas according to section 107(d)(1)(D) or (E) of the CAA. Missouri will submit these redesignations to EPA for formal approval before the new baseline area can be used for PSD permitting purposes. While Missouri works to revise the rule, Missouri commits to implementing the baseline area definition consistent with all Federal regulations and will ensure that the air quality increment analysis for permit applications complies with all Federal and state requirements.

Have the Requirements for Approval of an SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained below and in more detail in the technical support document that is part of this document, EPA believes that the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What Action Is EPA Proposing?

We propose to approve revisions to Missouri rule, 10 CSR 10–6.060, Construction Permits Required. Per Missouri's request, we are taking no action on Clean Unit Exemptions, Pollution Control Projects, and the record keeping provisions for the actual-to-projected-actual emissions projections. We are not acting on revisions to Missouri rule 10 CSR 10–6.410, Emissions Banking and Trading, because the only revision made to the rule involves Pollution Control Projects.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that the proposed approvals in this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The proposed partial disapproval will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's partial disapproval of the submittal does not impose a new Federal requirement. Therefore, the Administrator certifies that this proposed disapproval action does not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This proposed rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove an SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews an SIP submission, to use VCS in place of an SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 7, 2006.

James B. Gulliford,

Regional Administrator, Region 7.

[FR Doc. 06–3593 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–8158–3]

Washington: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: During a review of Washington's regulations, EPA identified a variety of State-initiated changes to Washington's hazardous waste program under the Resource Conservation and Recovery Act, as amended, (RCRA) for which the State had not previously sought authorization. EPA proposes to authorize the State for the program changes. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the revisions by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we receive written comments that oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this authorization, EPA will publish a document in the **Federal Register** withdrawing the immediate final rule before it takes effect. EPA will then address public comments in a later final rule based on this proposal. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of the immediate final rule. However, the authorization of program changes that are not opposed by any comments will become effective on the date established in the immediate final rule. A **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time. EPA is also proposing to make corrections to the table included in the authorization **Federal Register** document for Washington published on October 12, 1999.

DATES: Send your written comments by May 15, 2006.

ADDRESSES: Submit your comments, identified by EPA–R10–RCRA–2006–0087 by one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. E-mail: *kocourek.nina@epamail.epa.gov.*
3. Fax: (206) 553–8509.
4. Mail: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWTB122, Seattle, Washington 98101.

Instructions: Direct your comments to EPA–10–RCRA–2006–0087. EPA's policy is that all comments received will be included in the public file without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public file and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the U.S. Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington, 98101. This Docket Facility is open to the public from 9 to 11:30 a.m. and from 1 to 4 p.m. Monday through Friday, excluding legal holidays. The library telephone number is (206) 553–1289. Additionally, hard copies are available from the Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98503, contact, Patricia Hervieux at (360) 407–6756.

FOR FURTHER INFORMATION CONTACT: Nina Kocourek, U.S. EPA, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Mail Stop AWT–122, Seattle, Washington 9810, phone number: (206) 553–6502, e-mail: *kocourek.nina@epa.gov;* or Patricia Hervieux, Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98503; phone number: (360) 407–6756, e-mail: *pher461@ecy.wa.gov.*

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials 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. 06–3546 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R10–RCRA–2006–0064; FRL–8157–6]

Oregon: Proposed Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Oregon has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Oregon's application, has preliminarily determined that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the state's changes.

DATES: Comments on this proposed rule must be received in writing by May 15, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2006–0064, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- E-mail: *hunt.jeff@epa.gov*.
- Mail: Jeff Hunt, U.S. Environmental Protection Agency Region 10, Office of Air, Waste & Toxics (AWT–122) 1200 Sixth Avenue, Seattle, WA 98101.

Instructions: Direct your comments to Docket ID No. EPA–R10–RCRA–2006–0064. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center Home page at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the U.S. Environmental Protection Agency Region 10, Office of Air, Waste & Toxics, 1200 Sixth Ave, Seattle, Washington, contact: Jeff Hunt, phone number: (206) 553–0256; or Oregon Department of Environmental Quality, 811 SW Sixth, Portland Oregon, contact: Scott Latham, phone number (503) 229–5953.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, U.S. Environmental Protection Agency Region 10, Office of Air, Waste & Toxics (AWT–122), 1200 Sixth Ave., Seattle, Washington 98101, phone number: (206) 553–0256, e-mail: *hunt.jeff@epa.gov*.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

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

B. What Decisions Have We Made in This Rule?

EPA has preliminarily determined that Oregon's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are proposing to grant Oregon final authorization to operate its hazardous waste program with the changes described in the authorization application. Oregon will have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian country (18 U.S.C. 1151) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before the states are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Oregon, including issuing permits, until the State is granted authorization to do so.

C. What Will Be the Effect If Oregon Is Authorized for These Changes?

If Oregon is authorized for these changes, a facility in Oregon subject to RCRA will have to comply with the authorized State requirements in lieu of the corresponding Federal requirements in order to comply with RCRA. Additionally, such persons will have to comply with any applicable federally-issued requirements, such as, for example, HSWA regulations issued by EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized State-issued requirements. Oregon continues to have enforcement responsibilities under its state hazardous waste management program for violations of its program, but EPA continues to have enforcement authority under RCRA sections 3007, 3008, 3013, and 7003, which includes, among others, the authority to:

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

The action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which Oregon will be authorized are already effective under State law and are not changed by today's action.

D. What Happens If EPA Receives Comments on This Action?

If EPA receives comments on this action, we will address those comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What Has Oregon Previously Been Authorized for?

Oregon initially received final authorization on January 30, 1986, effective January 31, 1986 (51 FR 3779), to implement the RCRA hazardous waste management program. EPA granted authorization for changes to their program on March 30, 1990, effective on May 29, 1990 (55 FR 11909); August 5, 1994, effective October 4, 1994 (59 FR 39967); June 16, 1995, effective August 15, 1995 (60 FR 31642); October 10, 1995, effective December 7, 1995 (60 FR 52629); and September 10, 2002, effective September 10, 2002 (67 FR 57337).

F. What Changes Are We Proposing?

EPA is proposing to authorize revisions to Oregon's authorized program described in Oregon's official program revision application, submitted to EPA on December 19, 2005, and deemed complete by EPA on December 22, 2005.

The following table, Table 1, identifies equivalent State regulatory analogues to the Federal regulations for those regulatory revisions for which Oregon is seeking authorization. All of the referenced analogous State authorities were legally adopted and effective as of October 24, 2003.

TABLE 1.—EQUIVALENT ANALOGUES TO THE FEDERAL REGULATIONS

Description of federal requirements CL #[1]	**Federal Register**	Analogous state authority (OAR 340–* * *)
Requirements for Preparation, Adoption, and Submittal of Implementation Plans, CL 125.	58 FR 38816, 7/20/1993	–100–0002.
LDR Restrictions Phase III, Emergency Extension of the K088 Capacity Variance, CL 155.	62 FR 1992, 1/14/97	–100–0002.
LDR Restrictions Phase III, Emergency Extension of the K088 Capacity Variance, CL 160.	62 FR 37694, 7/14/97	–100–0002.
Petroleum Refining Process Wastes—Clarification, CL 187.	65 FR 36365, 6/8/2000	–100–0002.
Hazardous Air Pollutant Standards, Technical Corrections, CL 188.	65 FR 42292, 7/10/2000	–100–0002, –101–0001, –104–0001, –105–0001.
Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes, CL 189.	65 FR 67068, 11/8/2000	–100–0002, –101–0001.
LDRs Phase IV—Deferral for PCBs in Soil, CL 190	65 FR 81373, 12/26/2000 ..	–100–0002.
Mixed Waste rule, CL 191	66 FR 27218, 5/16/2001	–100–0002.
Mixture and Derived—From Rules Revisions, CL 192A ..	66 FR 27266, 5/16/2001	–100–0002, –101–0001.
LDR Restrictions Correction, CL 192B	66 FR 27266, 5/16/2001	–100–0002.
Change of Official EPA Mailing Address, CL 193	66 FR 34374, 6/28/2001	–100–0002.
Mixture and Derived—From Rules Revision II, CL 194 ...	66 FR 50332, 10/3/2001	–100–0002, –101–0001.
Inorganic Chemical Manufacturing Wastes Identification & Listing, CL 195.	66 FR 58258, 11/20/2001; 67 FR 17119, 4/9/2002.	–100–0002, –101–0001.
CAMU Amendments, CL 196	67 FR 2962, 1/22/2002	–100–0002.
Hazardous Air Pollutant Standards for Combustors; Interim Standards, CL 197.	67 FR 6792, 2/13/2002	–100–0002, –104–0001, –105–0001.
Hazardous Air Pollutant Standards for Combustors; Corrections, CL 198.	67 FR 6968, 2/14/2002	–100–0002, 105–0001.
Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes & TCLP Use with MGP Waste, CL 199.	67 FR 11251, 3/13/2002	100–0002, 101–0001, 102–0010.
Zinc Fertilizer Rule, CL 200	67 FR 48393, 7/24/2002	100–0002; 101–0004; –102–0010.

[1] CL # (Checklist) generally reflects changes made to the Federal regulations pursuant to a particular **Federal Register** notice. EPA publishes these checklists as aids for States to use for the development of their authorization applications. See EPA's RCRA State Authorization Web page at *http://www.epa.gov/epaoswer/hazwaste/state/.*

G. What Other Revisions Are We Proposing to Oregon's Authorized Program?

During a review of Oregon's regulations, we identified a variety of changes that Oregon had made to previously authorized hazardous waste provisions. EPA brought these changes to the attention of Oregon and confirmed with the State that the State-initiated changes generally correct typographical errors and printing errors, clarify and make the State's regulations more internally consistent, or bring the State regulations closer to the Federal language. In this proposed rulemaking we are also correcting errors made by EPA in previous authorization **Federal Register** notices for Oregon. The State's authorized hazardous waste program, as amended by these provisions, remains equivalent to, consistent with, and no less stringent than the Federal RCRA program. The table below, Table 2, shows both the state initiated and the EPA initiated changes proposed for authorization revision.

TABLE 2.—REVISIONS TO PREVIOUSLY AUTHORIZED RULES[2]

Description of Federal requirements, CL #[3]	**Federal Register**	Analogous state authority (OAR 340–* * *)
Availability of Information	.....	–100–0003, –100–00005(1)–(5); –105–0012.

TABLE 2.—REVISIONS TO PREVIOUSLY AUTHORIZED RULES [2]—Continued

Description of Federal requirements, CL # [3]	Federal Register	Analogous state authority (OAR 340–* * *)
Generator Requirements, CL II	.....	–100–0002; 102–0011(2), –0012, –0040, –0041, –0050.
Permitting Requirements, CL V	.....	–100–0002; –105–0010, –0012, –0030, –0061; –106–0002.
Small Quantity Generators, CL 23	51 FR 10174, 3/24/86	–100–0002; 101–0033; –102–0034, –0041, –0044; –105–0010.
LDRs (Solvents and Dioxins), CL 34	51 FR 40572, 11/07/86	–100–0002, –100–0010, –102–0011(2)(d)&(e), –105–0014.
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-Closure Permitting, CL 61.	54 FR 9596, 3/7/89	–100–0002; –105–0001(3)&(4), –0010; –106–0002.
Burning of Hazardous Waste in Boilers and Industrial Furnaces, Corrections & Technical Amendments, CL 94.	56 FR 32688, 7/17/91	–100–0002 –100–0004; –105–0010.
Recycled Used Oil Management Standards, CL 112	57 FR 41566, 9/10/92	–100–0002(2); –111–0000.
Recycled Used Oil Management Standards; Technical Amendments and Corrections, CL 122.	58 FR 33341, 5/3/93; 58 FR 33341, 6/17/93.	–100–0002(2); –111–0000, –0010, –0020, –0032, –0035, –0040, –0050, –0060, –0070.
Recycled Used Oil Management Standards; Technical Amendments and Corrections II, CL 130.	59 FR 10550, 3/4/94	–100–0002; –111–0000; –111–0010.
Universal Waste Rule: General Provisions, CL 142A	60 FR 26942, 5/11/95	–100–0002; –102–0011(e); –113–0000, –0020, –0020(1)–(4), –0030, –0040, –0050.
LDRs Phase III-Decharacterized Wastewaters Carbamate Wastes, and Spent Potliners, CL 151.	61 FR 15566, 4/8/96	–100–0002.
Recycled Used Oil Management Standards; Technical Correction and Clarification, CL 166.	63 FR 24963, 5/6/98	–100–0002; –111–0000, –0032, –0050.
Belvill Exclusion Revisions and Clarification, CL 167E	63 FR 28556, 5/26/98	–100–0002; –101–0001, –0004.
Hazardous Remediation Waste Management Requirement (HWIR-Media), CL 175.	63 FR 65874, 11/30/98	–100–0002; –100–0010; –105–0003, –105–0115.
Hazardous Air Pollutant Standards for Combustors, CL 182.	64 FR 62828, 9/30/99	–100–0002; –101–0001; –104–0001, –0340; –105–0001.
Universal Waste Rule as of 12/31/02, Special Consolidated Checklist.	60 FR 25492, 5/11/95; 63 FR 71225, 12/24/98; 64 FR 36466, 7/6/99.	–100–0002, –0010(3)(j); –102–0011(e); –113–0000, –0010, –0020, –0030, –0040, –0050, –0060, –0070.

[2] For further discussion on where the revised State rules differ from the Federal Rules refer to the authorization revision application and the administrative record for this proposed rule.

[3] CL # (Checklist) generally reflects changes made to the Federal regulations pursuant to a particular **Federal Register** notice. EPA publishes these checklists as aids for States to use for the development of their authorization applications. See EPA's RCRA State Authorization Web page at *http://www.epa.gov/epaoswer/hazwaste/state/*.

H. Who Handles Permits After the Authorization Takes Effect?

Oregon will continue to issue permits for all the provisions for which it is authorized and will administer the permits it issues. If EPA issued permits prior to authorizing Oregon for these revisions, these permits would continue in force until the effective date of the State's issuance or denial of a State hazardous waste permit, at which time EPA would modify the existing EPA permit to expire at an earlier date, terminate the existing EPA permit for cause, or allow the existing EPA permit to otherwise expire by its term, except for those facilities located in Indian Country. EPA will not issue new permits or new portions of permits for provisions for which Oregon is authorized after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Oregon is not yet authorized.

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

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. This is done by referencing the authorized State rules in 40 CFR part 272. EPA is reserving the amendment of 40 CFR part 272, subpart N for codification of this current revision to Oregon's program at a later date.

J. How Would Authorizing Oregon for These Revisions Affect Indian Country (18 U.S.C. 1151) in Oregon?

Oregon is not authorized to carry out its hazardous waste program in Indian country, as defined in 18 U.S.C. 1151. Indian country includes:

1. All lands within the exterior boundaries of Indian reservations within or abutting the State of Oregon;

2. Any land held in trust by the U.S. for an Indian tribe; and

3. Any other land, whether on or off an Indian reservation that qualifies as Indian country.

Therefore, this action has no effect on Indian country. EPA will continue to implement and administer the RCRA program in these lands.

K. Statutory and Executive Order Reviews

This proposed rule seeks to revise the State of Oregon's authorized hazardous waste program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. This rule complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4,1993), the Agency must determine whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''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. It has been determined that this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, because this proposed rule does not establish or modify any information or recordkeeping requirements for the regulated community and only seeks to authorize the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

3. Regulatory Flexibility

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), 5 U.S.C. 601, *et seq.*, generally requires federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business defined by the Small Business Administrations' Size Regulations at 13 CFR part 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. EPA has determined that this action will not have a significant economic impact on small entities because the proposed rule will only have the effect of authorizing pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law. After considering the economic impacts of today's rule, I certify that this action will not have a significant economic impact on a substantial number of small entities.

4. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the rule an explanation why the alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. It imposes no new enforceable duty on 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 sections 202 and 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 seeks authorization of pre-existing 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, 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 proposes authorization of pre-existing State rules and imposes no additional requirements beyond those imposed by State law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

List of Subjects in 40 CFR Part 271

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

Authority: This proposed 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 3, 2006.

L. Michael Bogert,

Regional Administrator, Region 10.

[FR Doc. E6–5328 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 71, No. 72
Friday, April 14, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0049]

Notice of Request for Extension of Approval of an Information Collection; Horse Protection Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the Horse Protection Program.

DATES: We will consider all comments that we receive on or before June 13, 2006.

AGENCY: Animal and Plant Health Inspection Service, USDA.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and, in the lower ''Search Regulations and Federal Actions'' box, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select APHIS–2006–0049 to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the ''Advanced Search'' function in Regulations.gov.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0049, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0049.

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

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: For information regarding the Horse Protection Act regulations, contact Dr. Todd Behre, Horse Protection Coordinator, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7833. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Horse Protection Regulations.

OMB Number: 0579–0056.

Type of Request: Extension of approval of an information collection.

Abstract: In 1970, Congress passed the Horse Protection Act (15 U.S.C. 1821 *et seq.*), referred to below as the Act, that prohibits the showing, sale, auction, exhibition, or transport of horses subjected to a cruel and inhumane practice referred to as ''soring.'' This practice causes a horse to suffer pain in any of its limbs for the purpose of affecting the horse's performance in competition. All horses are covered by the Act and the regulations in title 9, part 11, of the Code of Federal Regulations, although enforcement emphasis has historically been placed on Tennessee Walking horses and other gaited breeds due to the prevalence of soring documented in that industry. The regulations are administered and enforced by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture.

In 1979, APHIS issued regulations in response to an amendment to the Act under which horse show managers may hire private individuals to conduct inspections, in order to limit their liability under the Act if sored horses are entered in their event. These individuals are referred to as designated qualified persons (DQPs). DQPs must be trained and licensed by USDA-certified and monitored programs that are run by horse industry organizations or associations (HIOs).

Enforcement of the Act and its regulations relies on horse inspections conducted by APHIS veterinarians and by DQPs. To ensure that enforcement by DQPs and USDA-certified DQP programs is effective, APHIS requires DQPs, HIOs, and horse show management to maintain or submit records related to these inspections, their DQP programs, and the horse events to APHIS. No official government form is necessary for the reporting and recordkeeping required.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.8454 hours per response.

Respondents: Designated qualified persons, horse industry organizations, and horse show management.

Estimated annual number of respondents: 1,573.

Estimated annual number of responses per respondent: 1.77240.

Estimated annual number of responses: 2,788.

Estimated total annual burden on respondents: 2,357 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 6th day of April 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 06–3575 Filed 4–13–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0016]

Availability of an Environmental Assessment and Finding of No Significant Impact for a Field Release of Genetically Engineered Tall Fescue and Genetically Engineered Italian Ryegrass

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed field trial using three transgenic grass lines. The trial consists of tall fescue plants that are genetically engineered for hygromycin resistance and that express the marker beta-glucuronidase; Italian ryegrass plants that are genetically engineered for hygromycin resistance; and Italian ryegrass plants that are genetically engineered to lower the expression of the pollen allergen gene, *Lol p*1, that are also hygromycin resistant, and express the marker beta-glucuronidase. The purpose of the field trial is to study pollen viability, outcrossing, and hybridization between the two types of grasses. The study will also examine the effect of down-regulating the *Lol p*1 gene. Data gained from this field experiment will also be used to evaluate current confinement practices for these species of transgenic grasses. After assessment of the application, review of the relevant scientific information, and consideration of comments provided by the public, we have concluded that these field tests will not present a risk of introducing or disseminating a plant pest. We have completed an environmental assessment and have concluded that these field tests will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for these field tests.

EFFECTIVE DATE: April 14, 2006.

ADDRESSES: You may read the environmental assessment (EA), the finding of no significant impact (FONSI), and any comments that we received on Docket No. APHIS–2006–0016 in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming. The EA, FONSI and decision notice, and responses to comments are available on the Internet at *http://www.aphis.usda.gov/brs/aphisdocs/05_27801r_ea.pdf.*

FOR FURTHER INFORMATION CONTACT: Dr. Andrea Huberty, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–0659. To obtain copies of the EA, FONSI, and response to comments, contact Ms. Ingrid Berlanger at (301) 734–4885; e-mail: *ingrid.e.berlanger@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release into the environment of a regulated article.

On October 5, 2005, the Animal and Plant Health Inspection Service (APHIS) received permit applications (APHIS Nos. 05–278–01r and 05–278–02r) from the Samuel Robert Noble Foundation in Ardmore, OK, for a field trial using three strains of transgenic grasses. The two permit applications are for three lines of transgenic grasses to be used in a single field trial.

Permit application 05–278–01r describes a line of tall fescue, *Festuca arundinacea*, that has been genetically engineered to express beta-glucuronidase (*gus*A) derived from *Escherichia coli*. Expression of this gene is controlled by cauliflower mosaic virus (CaMV) 35S gene promoter and terminator sequences and a rice tungro virus (RTBV) intron. This regulated article also contains a separate insertion of a hygromycin phosphotransferase (*hph*) gene that is regulated by the rice actin promoter and intron sequences and the terminator from the CaMV 35S gene.

Permit application 05–278–02r describes two transgenic lines of Italian ryegrass (*Lolium multiflorium*). Both lines have the same *hph* gene construct as the regulated article described in permit application 05–278–01r. One line of Italian ryegrass also contains an insertion of a second construct that codes for an antisense *Lol p*1 gene derived from perennial ryegrass (*Lolium perenne*), and a *gus*A gene derived from *E. coli*. The antisense *Lol p*1 gene is under the control of the *Zea mays* pollen specific *Zm* 13 promoter and a *nos* polyadenylation terminator sequence from *Agrobacterium tumefaciens*.

The subject transgenic grasses are considered regulated articles under the regulations in 7 CFR part 340 because they were created using donor sequences from plant pests. The purpose of this proposed introduction is for research on transgenic tall fescue and Italian ryegrass plants, particularly to investigate:

- The distance transgenic pollen can travel and still remain viable;
- The frequency of pollination at different distances from the pollen source;
- The probability/frequency of cross-hybridization between transgenic tall fescue, transgenic Italian ryegrass, and related species under field conditions; and
- The effects of down-regulation of a major pollen allergen on pollen dispersal in transgenic Italian ryegrass.

Additionally, the data gathered during this study will be used to assess the confined status of this field release and refine the confinement conditions necessary for future releases of these grass species.

On February 13, 2006, APHIS published a notice [1] in the **Federal Register** (70 FR 7504–7505, Docket No. APHIS–2006–0016) announcing the availability of an environmental assessment (EA) for the proposed field trial. During the 30-day comment period, APHIS received two comments. One comment was from an individual and the other was from a public interest group. Both commenters objected to the field release described in the EA. APHIS' response to those comments can be found as an attachment to the finding of no significant impact (FONSI) and decision notice.

Pursuant to its regulations (7 CFR part 340) promulgated under the Plant Protection Act, APHIS has determined that this field trial will not pose a risk of the introduction or dissemination of a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative C of the EA, to issue the permit with additional permit conditions, will not have a significant impact on the quality of the human environment. You may read the FONSI and decision notice on the Internet or in the APHIS reading room (see **ADDRESSES** above).

The EA and FONSI were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Copies of the EA and FONSI are available from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 10th day of April, 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–5572 Filed 4–13–06; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice, EA, and the comments we received, go to *http://www.regulations.gov*, click on the ''Advanced Search'' tab, and select ''Docket Search.'' In the Docket ID field, enter APHIS–2006–0016, then click on ''Submit.'' Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Province Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Willamette Province Advisory Committee (PAC) will meet in Salem, Oregon. The purpose of the meeting is to discuss issues pertinent to the implementation of the Northwest Forest Plan and to provide advice to federal land managers in the Province. The topics to be covered at the meeting include updates on off-highway vehicle planning, the Northern Spotted Owl Recovery Plan, stewardship projects and planning. BLM Resource Management Plan revisions, and plans for Province monitoring in 2006.

DATES: The meeting will be held May 4, 2006 beginning at 9 a.m. pdst.

ADDRESSES: The meeting will be held at the Red Lion Hotel, 3301 Market Street, Salem, Oregon. Send written comments to Neal Forrester, Willamette Province Advisory Committee, c/o Willamette National Forest, 211 E. 7th Avenue, Eugene, Oregon 97401, (541) 225–6436, or electronically to *nforrester@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Neal Forrester, Willamette National Forest, (541) 225–6436.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to PAC members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the PAC staff before or after the meeting. A public forum will be provided and individuals will have the opportunity to address the PAC. Oral comments will be limited to three mintues.

Dated: April 10, 2006.

Dallas J. Emch,

Forest Supervisor, Willamette National Forest.

[FR Doc. 06–3579 Filed 4–13–06; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from Procurement List.

SUMMARY: This action adds to the Procurement List a product and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products previously furnished by such agencies.

DATES: *Effective Date:* May 14, 2006.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *SKennerly@jwod.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On January 20, and February 17, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 3259, and 8565) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product and service and impact of the additions on the current or most recent contractors, the Committee has determined that the product and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

The Following Comments Pertain to Filter, Element Coalescer

Comments were received from the most recent contractor for the Filter, Element Coalescer, in response to a request for sales data. The contractor stated that it held four contracts for this product in 2004, during which the contractor made considerable investments in capital equipment. The contractor also indicated intent to make further investments to produce the product for future contracts. The contractor stated that it makes the product on Native American property, with nearly all its employees being Native Americans. According to the contractor, loss of the opportunity to produce this product for the Government will result in discharge of about twenty people, who will have very few employment areas in that depressed area. Government records show that the four contracts this contractor cited are the only contracts for this product which this contractor

has held. Furthermore, the value of those contracts was less than ten percent of the contractor's total sales. Therefore, the contractor cannot be considered dependent on contracts for the product. In addition, because the contractor would not be guaranteed to receive future contracts if the product remained in the competitive bidding system, the contractor's inability to recoup its capital investment is not a significant factor in the Committee's impact decision. The Government has not purchased this product since 2004. Consequently, it is likely that any job loss attributable to the product will have already occurred. In view of these facts, the Committee has concluded that addition of the product to the Procurement List is not likely to have a severe adverse impact on the contractor.

The following material pertains to all of the items being added to the Procurement List.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and service to the Government.

2. The action will result in authorizing small entities to furnish the product and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product and service are added to the Procurement List:

Product

Product/NSN: Filter, Element Coalescer
4330–00–983–0998—Filter, Element Coalescer
NPA: New Ventures Enterprises, Inc., LaGrange, Georgia

Contracting Activity: Defense Supply Center Columbus, Columbus, Ohio

Service

Service Type/Location: Grounds Maintenance & Snow Removal, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota
NPA: Tasks Unlimited, Inc., Minneapolis, Minnesota

Contracting Activity: GSA, Public Buildings Service, Region 5, Chicago, Illinois

Deletions

On February 17, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 8565/8566) of proposed deletions to the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

Product/NSN: Frame With Handle and Dustmop Head
7920–00–NIB–0311—Frame With Handle and Dustmop Head
7920–00–NIB–0252—Frame With Handle and Dustmop Head
7920–00–NIB–0312—Frame With Handle and Dustmop Head
7920–00–NIB–0244—Frame With Handle and Dustmop Head
7920–00–NIB–0309—Frame With Handle and Dustmop Head
7920–00–NIB–0253—Frame With Handle and Dustmop Head
7920–00–NIB–0243—Frame With Handle and Dustmop Head
7920–00–NIB–0304—Frame With Handle and Dustmop Head
7920–00–NIB–0305—Frame With Handle and Dustmop Head
7920–00–NIB–0306—Frame With Handle and Dustmop Head
7920–00–NIB–0307—Frame With Handle and Dustmop Head
7920–00–NIB–0310—Frame With Handle and Dustmop Head
7920–00–NIB–0242—Frame With Handle and Dustmop Head
7920–00–NIB–0254—Frame With Handle and Dustmop Head
7920–00–NIB–0240—Frame With Handle and Dustmop Head
7920–00–NIB–0241—Frame With Handle and Dustmop Head
7920–00–NIB–0313—Frame With Handle and Dustmop Head
7920–00–NIB–0314—Frame With Handle and Dustmop Head
7920–00–NIB–0315—Frame With Handle and Dustmop Head
7920–00–NIB–0316—Frame With Handle and Dustmop Head
7920–00–NIB–0317—Frame With Handle and Dustmop Head
7920–00–NIB–0318—Frame With Handle and Dustmop Head
7920–01–512–2718—Frame With Handle and Dustmop Head
7920–01–512–2719—Frame With Handle and Dustmop Head
7920–00–NIB–0308—Frame With Handle and Dustmop Head
NPA: New York City Industries for the Blind, Inc., Brooklyn, New York

Contracting Activity: Veterans Affairs National Acquisition Center, Hines, Illinois

Product/NSN: Mop, Dusting, Cotton
7920–00–205–0484—Mop, Dusting, Cotton
7920–00–205–0483—Mop, Dusting, Cotton
7920–00–205–0481—Mop, Dusting, Cotton
NPA: New York City Industries for the Blind, Inc., Brooklyn, New York

Contracting Activity: GSA, Southwest Supply Center, Fort Worth, Texas

Product/NSN: Mophead, Dust
7920–00–NIB–0158—Mophead, Dust
7920–00–NIB–0157—Mophead, Dust
7920–00–NIB–0156—Mophead, Dust
7920–00–NIB–0159—Mophead, Dust
NPA: New York City Industries for the Blind, Inc., Brooklyn, New York

Contracting Activity: Veterans Affairs National Acquisition Center, Hines, Illinois

Product/NSN: Mophead, Dusting, Cotton
7920–00–205–0488—Mophead, Dusting, Cotton
7920–00–205–0487—Mophead, Dusting, Cotton
7920–00–205–0485—Mophead, Dusting, Cotton
NPA: New York City Industries for the Blind, Inc., Brooklyn, New York

Contracting Activity: GSA, Southwest Supply Center, Fort Worth, Texas

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. E6–5585 Filed 4–13–06; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 11–2006]

Foreign–Trade Zone 207—Richmond, VA, Application for Subzone Status, A. Wimpfheimer & Bro., Inc., (Textile Finishing)

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the Capital Region Airport Commission, grantee of FTZ 207, requesting special–purpose subzone

status for the textile finishing plant of A. Wimpfhheimer & Bro., located in Blackstone, Virginia. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 4, 2006.

The plant (6 acres/175,000 sq.ft.), known as the ''American Velvet'' property, is located at 300 Church Street, in the city of Blackstone, Virginia. The facility (30 employees) is used to process textile pile fabrics for the U.S. market and export. In this activity, foreign, quota–class woven and knit fabrics (classified under HTSUS 5801.22.1000, 5801.22.9000, 5801.23, 5801.35.0010, 5801.35.0020, 5907.00.6000, 6001.92.2000, 6001.92.0020; 6001.92.0040, 6004.10.0085) would be admitted to the proposed subzone under privileged foreign status (19 CFR § 146.41) in greige form to be processed, dyed, and finished using domestic dyes and chemicals. The finishing activity may involve shrinking, sanferizing, desizing, sponging, bleaching, cleaning/laundering, calendaring, hydroxilating, decatizing, fulling, mercerizing, chintzing, moiring, framing/beaming, stiffening, weighting, crushing, tubing, thermofixing, anti–microbial finishing, flame retardation, and embossing the foreign–sourced fabric. The finished privileged foreign status fabric would either be exported from the proposed subzone or be transferred for Customs entry under its original HTSUS and textile quota classifications (no activity would be permitted that would result in transformation, tariff shift, or change in quota class or country of origin), with appropriate duty assessment and quota decrement (if applicable).

FTZ procedures would exempt Wimpfhheimer from Customs duty payments on the foreign fabric processed for re–export. On shipments for the U.S. market, full duty payment would be deferred until the fabric is transferred from the zone for Customs entry. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. *Submissions via Express/Package Delivery Services*: Foreign–Trade Zones Board, U.S. Department of Commerce, Franklin Court Building Suite 4100W, 1099 14th Street, NW, Washington, DC 20005; or,
2. *Submissions via the U.S. Postal Service*: Foreign–Trade Zones Board, U.S. Department of Commerce, FCB 4100W, 1401 Constitution Ave., NW, Washington, DC 20230.

The closing period for their receipt is June 13, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15–day period (to June 28, 2006).

A copy of the application will be available for public inspection at the Office of the Foreign–Trade Zones Board's Executive Secretary at address No.1 listed above and at the U.S. Department of Commerce Export Assistance Center, 400 North 8th Street, No. 412, Richmond, VA 23240.

Dated: April 4, 2006.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–5602 Filed 4–13–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–848

Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Court Decision Not In Harmony with Final Results of Administrative Review

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

SUMMARY: On April 3, 2006, the United States Court of International Trade (''Court'') sustained the final remand determination made by the Department of Commerce (''the Department'') pursuant to the Court's remand of the final results of the administrative review of freshwater crawfish tail meat from the People's Republic of China. *See Hontex Enterprises Inc., D/B/A Louisiana Packing Co. v. United States*, Consol. Ct. No. 02–00223, Slip Op. 06–42 (Ct. Int'l Trade April 3, 2006) (''*Hontex Judgment*''). This case arises out of the Department's *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of Administrative Antidumping Duty and New Shipper Reviews, and Final Rescission of New Shipper Review*, 65 FR 20948 (April 19, 2000)(''*Final Results*''). The final judgment in this case was not in harmony with the Department's April, 2000 *Final Results*.

EFFECTIVE DATE: April 14, 2006.

FOR FURTHER INFORMATION CONTACT: Scot Fullerton or Christopher D. Riker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–1386 or (202) 482–3441, respectively.

SUPPLEMENTARY INFORMATION: In *Hontex Enterprises, Inc., d/b/a/ Louisiana Packing Co. v. U.S.*, 387 F. Supp.2d 1353 (CIT 2005) (*Hontex v. U.S.*), the Court remanded this matter to the Department to either: (1)(a) find that Mr. Lee did not control Huaiyin Foreign Trading Company (5) (''HFTC5'') within the meaning of 19 *U.S.C. Section 1677(33)(F) & G*, and (b) find that Ningbo Nanlian Frozen Foods Company (''NNL'') were not affiliated, and c) find that NNL and HFTC5 should not be collapsed and given a single antidumping margin, and (d) find that NNL is entitled to a separate company–specific antidumping margin and calculate that margin using the verified information on the record; or (2)(a) re–open the record in order to gather additional evidence of Mr. Lee's control relationship with HFTC5 during the period of review, and (b) place such additional information on the record, and c) conduct an analysis that takes into account any such new evidence, including the temporal aspect of any such new evidence.

In response, the Department found that (a) Mr. Lee did not control HFTC5, (b) HFTC5 and NNL were not affiliated, c) HFTC5 and NNL should not be collapsed and given a single antidumping margin, and (d) NNL is entitled to a separate company–specific antidumping margin. Also in accordance with the Court's remand, we calculated a separate company–specific antidumping margin for NNL based on verified information on the record.

On April 3, 2006, the Court sustained the Department's remand redetermination. *See Hontex Judgment.*

Timken Notice

In its decision in *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (''*Timken*''), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a

''conclusive'' court decision. The Court's decision in *Hontex Judgment* on April 3, 2006, constitutes a final, ''conclusive,'' decision that the court findings are not in harmony with the Department's final results in the 97/98 administrative review of freshwater crawfish tail meat. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, upon a final and conclusive court decision. In the event that the CIT's ruling is not appealed, or if appealed and upheld by the Court of Appeals for the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to revise cash deposit rates and liquidate relevant entries covering the subject merchandise effective the date of publication of this notice in the **Federal Register**.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: April 11, 2006.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 06–3639 Filed 4–13–06; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–703]

Granular Polytetrafluoroethylene Resin From Italy: Extension of the Time Limit for the Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: April 14, 2006.

FOR FURTHER INFORMATION CONTACT: Saliha Loucif or Salim Bhabhrawala, at (202) 482–1779 or (202) 482–1784, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2005, the Department of Commerce (Department) published a notice of initiation of administrative review of the antidumping duty order on Granular Polytetrafluoroethylene Resin (PTFE) From Italy, covering the period August 1, 2004, through July 31, 2005. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 56631. The preliminary results are currently due no later than May 3, 2006.

Extension of Time Limit for Preliminary Results of Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order/finding for which a review is requested. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days after the last day of the anniversary month of an order/finding for which a review is requested.

We determine that it is not practicable to complete the preliminary results of this review within the original time limit due to a number of complex issues (*e.g.*, recent changes in Solvay Solexis, Inc. and Solvay Solexis S.p.A's corporate structure and affiliations, further-manufacturing of wet raw polymer into granular PTFE resin), which must be addressed prior to the issuance of those results. The Department requires additional time to analyze the respondent's questionnaire response and issue any necessary supplemental questionnaires.

Accordingly, the Department is extending, by 90 days, the time limit for completion of the preliminary results of this administrative review until no later than August 1, 2006. We intend to issue the final results no later than 120 days after publication of the preliminary results notice.

This notice of extension of the time limit is published in accordance with 751(a)(3)(A) of the Act.

Dated: April 10, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6–5601 Filed 4–13–06; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040406A]

Taking and Importing of Marine Mammals

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

ACTION: Notice; affirmative finding renewal.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has renewed the affirmative finding for the Republic of Ecuador under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the Eastern Tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Ecuadorian-flag purse seine vessels or purse seine vessels operating under Ecuadorian jurisdiction to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Republic of Ecuador and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

DATES: The renewal is effective from April 1, 2006, through March 31, 2007.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213; phone 562–980–4000; fax 562–980–4018.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.*, allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the Republic of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the Republic of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS will review the affirmative finding and determine

whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Republic of Ecuador or obtained from the IATTC and the Department of State and has determined that Ecuador has met the MMPA's requirements to receive an annual affirmative finding renewal.

After consultation with the Department of State, the Assistant Administrator issued the Republic of Ecuador's annual affirmative finding renewal, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Ecuadorian-flag purse seine vessels or purse seine vessels operating under Ecuadorian jurisdiction. Ecuador's affirmative finding will remain valid through March 31, 2010, subject to subsequent annual reviews by NMFS.

Dated: April 10, 2006.

James W. Balsiger,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. E6–5598 Filed 4–13–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 06–20]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 06–20 with attached transmittal and policy justification.

Dated: April 10, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

7 APR 2006

In reply refer to:
I-06/000332

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 06-20, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Thailand for defense articles and services estimated to cost $246 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. **Transmittal**
2. **Policy Justification**

Same ltr to:

House	Senate
Committee on International Relations	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 06-20

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser: Thailand**

(ii) **Total Estimated Value:**

Major Defense Equipment*	**$151 million**
Other	**$ 95 million**
TOTAL	**$246 million**

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 6 MH-60S helicopters, 14 T700 engines, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, contractor engineering and technical support services and other related elements of logistics support.**

(iv) **Military Department: Navy (SCN)**

(v) **Prior Related Cases, if any: none**

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none**

(viii) **Date Report Delivered to Congress:** 7 APR 2006

* **as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Thailand – MH-60S Helicopters

The Government of Thailand has requested a possible sale of 6 MH-60S helicopters, 14 T700 engines, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, contractor engineering and technical support services and other related elements of logistics support. The estimated cost is $246 million.

The Royal Thai Navy (RTN) requires the helicopters to fulfill utility lift requirements. Thailand's need to enhance its maritime defense and disaster relief capabilities was highlighted during the recent tsunami search and rescue operations. The proposed sale will improve Thailand's mobility capability and enhance its ability to work with the United States and coalition partners during contingencies. It will contribute to the U. S. foreign policy and national security by helping to improve the security of an ally that has been and continues to be an important force in the counter narco-terrorist mission.

Thailand, which already has UH-60 helicopters in its inventory, will have no difficulty absorbing these additional aircraft.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be:

Sikorsky Aircraft Corporation of Stratford, Connecticut
Lockheed Martin Federal Systems of Owego, New York
General Electric Corporation of Stratford, Connecticut.

There are no known offset agreements proposed in connection with this potential sale.

When the helicopters arrive, implementation will require up to 10 U.S. contractor representatives for periodic short-term visits not to exceed three months for each visit. One field service representative will be available for up to two years in Thailand.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 06–3584 Filed 4–13–06; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense; Meeting of the Board of Regents of the Uniformed Services University of the Health Sciences

AGENCY: Unformed Services University of the Health Sciences (USU), DoD.

ACTION: Quarterly meeting notice.

SUMMARY: The actions that will take place include the approval of the minutes from the Board of Regents meeting held February 7, 2006, acceptance of department reports, and the awarding of post-baccalaureate degrees as follows: Doctor of Medicine, Masters of Science in Nursing, Ph.D. in Nursing Science, and masters and doctoral degrees in the biomedical sciences and public health. The President, USU; Dean, USU School of Medicine; Dean, USU Graduate School of Nursing; and Director, Armed Forces

Radiobiology Research Institute, will also present reports. These actions are necessary for the University to remain an accredited medical school and to pursue our mission, which is to provide trained health care personnel to the uniformed services.

DATES: May 19, 2006, 8 a.m. to 4 p.m.

ADDRESSES: Uniformed Services University of the Health Sciences, Board of Regents Conference Room (D3001), 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

FOR FURTHER INFORMATION CONTACT: CAPT Jane E. Mead, NC, USN, Executive Secretary, Board of Regents, 301–295–0962.

Dated: April 10, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 06–3582 Filed 4–13–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD–2006–OS–0061]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to Correct a Systems of Records.

SUMMARY: The Office of the Secretary of Defense is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The notice corrects a system of records published on February 22, 2006 (71 FR 9103). The words ''Social Security Number'' were omitted from the Categories of Records. The notice is being republished in its entirety.

DATES: This action will be effective without further notice on May 19, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Irvin at (703) 696–4940.

SUPPLEMENTARY INFORMATION: The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 10, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

DPR 32

SYSTEM NAME:

Employer Support of the Guard and Reserve Ombudsman and Outreach Programs (February 22, 2006, 71 FR 9103).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with: ''Information includes, but is not limited to, name, social security number, home address, phone number, branch of service, and assigned military unit of Armed Forces personnel; name, social security number, home address, and phone number of NDMS members; name of employer, as well as, phone number and, if applicable, employer point of contact, and nature of employment/reemployment conflict; any notes and documentation prepared as a consequence of assisting the servicemember, NDMS member, or the employer.''

* * * * *

DPR 32

SYSTEM NAME:

Employer Support of the Guard and Reserve Ombudsman and Outreach Programs.

SYSTEM LOCATION:

Oracle On-Demand Advanced Data Center, Austin, TX 78753–2663.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Armed Forces, to include Reserve and National Guard personnel, and members of the National Disaster Medical System (NDMS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information includes, but is not limited to, name, social security number, home address, phone number, branch of service, and assigned military unit of Armed Forces personnel; name, social security number, home address, and phone number of NDMS members; name of employer, as well as, phone number and, if applicable, employer point of contact, and nature of employment/reemployment conflict; any notes and documentation prepared as a consequence of assisting the servicemember, NDMS member, or the employer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. Chapter 43, Employment and Reemployment Rights of Members of the Uniformed Services; 42 U.S.C. 300hh–11(e)(3)(A), Employment and Reemployment Rights; DoD Instruction 1205.22, Employer Support of the Guard and Reserve; DoD Instruction 1205.12, Civilian Employment and Reemployment Rights of Applicants for, and Service Members and Former Service Members of the Uniformed Services; DoD Directive 1250.1, National Committee for Employer Support of the Guard and Reserve; and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of the system is to support the Employer Support of the Guard and Reserve (ESGR) Ombudsman and Outreach Program in providing assistance to servicemembers and members of the National Disaster Medical System in resolving employment-reemployment conflicts and in providing information to employers regarding the requirements of the Uniform Services Employment and Reemployment Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, and local governmental agencies, as well as to private employers, in furtherance of informal mediation efforts to resolve employment-reemployment conflicts.

To the Department of Labor and the Department of Justice for investigation of, and possible litigation involving, potential violations of the Uniformed Services Employment and Reemployment Rights Act.

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are automated and are maintained in computers and computer output media.

RETRIEVABILITY:

Records may be retrieved by name, Company, zip codes, case numbers, problems/resolution codes, and/or e-mail address.

SAFEGUARDS:

Access to personal information will be maintained in a secure, password protected electronic system that will utilize security hardware and software to include: Multiple firewalls, active intruder detection, and role-based access controls. Paper records will be maintained in a controlled facility where physical entry is restricted by the use of locks, guards, or administrative procedures. Access to records is limited to those officials who require the records to perform their official duties consistent with the purpose for which the information was collected. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

RETENTION AND DISPOSAL:

Records are treated as permanent pending a determination by the National Archives and Records Agency of authority for disposition of the records.

SYSTEM MANAGERS AND ADDRESS:

National Committee, Employer Support of the Guard and Reserve, ATTN: Information Technology, Executive Office, 1555 Wilson Boulevard, Suite 319, Arlington, VA 22209–2405.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the National Committee, Employer Support of the Guard and Reserve, ATTN: Case Manager, 1555 Wilson Boulevard, Suite 319, Arlington, VA 22209–2405.

Requests should include the name, social security number, address, telephone number, military unit and branch of service of the servicemember; or the name, social security number, address, and telephone number of the NDMS member. The request also should include the name, address, and telephone number of the employer and a brief description of the problem and date of occurrence.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to National Committee, Employer Support of the Guard and Reserve, ATTN: Case Manager, 1555 Wilson Boulevard, Suite 319, Arlington, VA 22209–2405.

Requests should include the name, social security number, address, telephone number, military unit and branch of service of the servicemember; or the name, social security number, address, and telephone number of the NDMS member. The request also should include the name, address, and telephone number of the employer and a brief description of the problem and date of occurrence.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, the employer, and other DoD record systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–3583 Filed 4–13–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Grant an Exclusive Patent License

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Part 404 of Title 37, code of Federal Regulations, which implements Public Law 96–517, as amended, the Department of the Air Force announces its intention to grant Hetero Technology Integration Solutions, Incorporated (HTiS), a corporation of New Hampshire, having a place of business at Newburyport, Massachusetts, an exclusive license in any right, title and interest the Air Force has in:

a. U.S. Patent No. 5,472,914 issued 5 Dec 95, entitled ''Wafer Joined Optoelectronic Integrated Circuits and Method,'' Serial No. 274,882 and filed 14 Jul 94, by Eric A. Martin, Kenneth Vaccaro, Joseph P. Lorenzo, and Andrew Davis;

b. U.S. Patent No. 5,557,120 issued 17 Sep 96, entitled ''Wafer Joined Optoelectronic Integrated Circuits,'' Serial No. 443,915 and filed 17 May 95, by Eric A. Martin, Kenneth Vaccaro, Joseph P. Lorenzo, and Andrew Davis;

c. U.S. Patent No. 5,639,673 issued 17 Jun 97, entitled ''Transparent Ohmic Contacts for Schottky Diode Optical Detectors on Thin and Inverted Epitaxial Layers,'' Serial No. 486,442 and filed 8 Jun 95, by Kenneth Vaccaro, Eric A. Martin, Stephen Spaziani, and Andrew Davis; and

d. U.S. Patent No. 5,689,125 issued 18 Nov 97, entitled ''Cadmium Sulfide Interface Layers for Improving III–V Semiconductor Device Performance and Characteristics,'' Serial No. 489,601 and filed 12 Jun 95, by Kenneth Vaccaro, Andrew Davis, Helen M. Dauplaise, and Joseph P. Lorenzo.

DATES: A license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: Contact Mr. William H. Anderson, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304 Arlington, VA 22209–2310. Mr. Anderson can be reached at (Telephone) 703–588–5090/5091 or (Fax) 703–588–8037.

Bao-Anh Trinh,

Air Force Federal Liaison Officer.

[FR Doc. E6–5543 Filed 4–13–06; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Grant an Exclusive Patent License

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Part 404 of Title 37, code of Federal Regulations, which implements Public Law 96–517, as amended, the Department of the Air Force announces its intention to grant MJS International, Inc., a corporation of Missouri, having a place of business at Chesterfield, Missouri, an exclusive license in any right, title and interest the Air Force has in: U.S. Patent No. 6,267,039, issued 31 July 2001, entitled ''Aircraft Missile Hit Survivability Using Infrared Lamp and Sacrificial Support Structure,'' by Gregory J. Czarnecki.

DATES: A license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: Written objection should be sent to Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B. Street, Rm 100, Wright-Patterson AFB, OH 45433–7109. Telephone: (937) 255–2838; Facsimile (937) 255–7333.

Bao-Anh Trinh,

Air Force Federal Liaison Officer.

[FR Doc. E6–5542 Filed 4–13–06; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Assistive Technology Act of 1998, as Amended—National Activities—Data Collection and Reporting Assistance; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.224B.

Dates: Applications Available: April 14, 2006.

Deadline for Transmittal of Applications: May 15, 2006.

Deadline for Intergovernmental Review: July 13, 2006.

Eligible Applicants: Public or private non-profit or for-profit organizations, including institutions of higher education that have personnel with—

(a) Documented experience and expertise in administering State assistive technology (AT) programs;

(b) Experience in collecting and analyzing data associated with implementing activities conducted by State AT programs;

(c) Expertise necessary to identify, collect, and analyze data elements needed to provide comprehensive reporting of activities and outcomes of State AT programs; and

(d) Experience in using data to provide reports to policymakers.

An eligible entity can demonstrate its experience and expertise with its own personnel or through proposed subcontracts with other entities that have personnel with the relevant experience and expertise.

Estimated Available Funds: $250,000.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Assistive Technology Act of 1998, as amended (AT Act), authorizes support for State AT programs that increase the availability of, funding for, access to, provision of, and training about AT devices and AT services. According to section 3(15) of the AT Act, the term ''State AT program'' means a program authorized under section 4 of the AT Act. Section 4 authorizes both the State Grant for AT program and the Alternative Financing Program under Title III of the Assistive Technology Act of 1998 as in effect prior to the enactment of the 2004 amendments. These programs are required to collect data and report on the activities they conduct to determine whether those activities are being conducted appropriately and successfully and to assess the outcomes of those activities. Section 6(b)(5) of the AT Act authorizes support to assist State AT Programs with this data collection and reporting.

Priority: We are establishing this priority for the FY 2006 grant competition only, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA).

Absolute Priority: For FY 2006 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Assistive Technology Act Data Collection and Reporting Assistance

This priority is for a project to develop, as necessary, implement, maintain, and update a data collection and reporting system for use by all State AT programs and the U.S. Department of Education.

The purpose of this system is to—

(a) Ensure that all States collect consistent, comparable, high-quality quantitative and qualitative data that validly and reliably reflect the activities conducted by State AT programs and the outcomes of those activities;

(b) Enable State AT programs and the U.S. Department of Education to access and analyze data for purposes of program monitoring, evaluation, planning, management, and improvement; and

(c) Provide data to the U.S. Department of Education for reporting to Congress and the public.

The project must—

(a) Assist entities that carry out State AT programs in developing and implementing effective data collection and reporting systems that—

(1) Focus on quantitative and qualitative data elements;

(2) Measure the outcomes of the activities described in section 4 of the AT Act that are implemented by the States;

(3) Measure the progress of the States toward achieving the measurable goals described in section 4(d)(3) of the AT Act;

(4) Provide States with the necessary information required under the AT Act or by the Secretary for reports described in section 4(f)(2) of the AT Act; and

(5) Help measure the accrued benefits of the activities to individuals who need AT devices and AT services;

(b) Develop, as appropriate, maintain, and update a data collection and reporting system capable of collecting consistent, high-quality qualitative and quantitative data on the activities conducted by all State AT programs and the outcomes of those activities. This system must—

(1) Be designed and implemented to collect and analyze data using accepted research methodologies for ensuring validity and reliability;

(2) Provide for analysis of aggregated and disaggregated data;

(3) Have the capacity to compare data across States;

(4) Meet standard guidelines for accessibility of software and Internet applications;

(5) Allow States and the U.S. Department of Education to independently access data at any time;

(6) Allow appropriate public access to data;

(7) Have the capacity to be appropriately modified or adapted to meet emerging or specialized needs; and

(8) Be able to incorporate relevant data from other data systems, as appropriate;

(c) Develop, as appropriate, maintain, and update the system with the input of directors of State AT programs, the entity conducting the National Assistive Technology Training and Technical Assistance Program, and other appropriate entities or individuals;

(d) Provide ongoing technical assistance to all States and the U.S. Department of Education on the use of this system;

(e) Provide technical assistance to all States on the development, use, and improvement of their State-level data collection infrastructures;

(f) Provide to States and the U.S. Department of Education data to meet State and Federal reporting requirements;

(g) Conduct analyses of data for planning, management, and improvement of State AT programs;

(h) Collaborate with the National Assistive Technology Training and Technical Assistance Program to use data for planning, management, and improvement of State AT programs; and

(i) Collaborate, as appropriate, with entities that maintain or have developed data collection systems for use by State AT programs.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Ordinarily, this practice would have applied to the absolute priority for the Assistive Technology Act Data Collection and Reporting Assistance. Section 437(d)(1) of GEPA (20 U.S.C. 1232(d)(1)), however, allows the

Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under section 6(b)(5) of the AT Act and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on the proposed absolute priority under section 437(d)(1). This absolute priority will apply to the FY 2006 grant competition only.

Program Authority: 29 U.S.C. 3001 *et seq.*

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $250,000.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Public or private non-profit or for-profit organizations, including institutions of higher education that have personnel with—

(a) Documented experience and expertise in administering State AT programs;

(b) Experience in collecting and analyzing data associated with implementing activities conducted by State AT programs;

(c) Expertise necessary to identify, collect, and analyze data elements needed to provide comprehensive reporting of activities and outcomes of State AT programs; and

(d) Experience in using data to provide reports to policymakers.

An eligible entity can demonstrate its experience and expertise with its own personnel or through proposed subcontracts with other entities that have personnel with the relevant experience and expertise.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.224B.

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 Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, Potomac Center Plaza, Washington, DC, 20202–2550. Telephone: (202) 245–7363. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

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. You must limit Part III to the equivalent of no more than 60 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 Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

3. *Submission Dates and Times:*

Applications Available: April 14, 2006.

Deadline for Transmittal of Applications: May 15, 2006.

Applications for grants under this competition must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: July 13, 2006.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically, unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Assistive Technology Act of 1998, as Amended—National Activities—Data Collection and Reporting Assistance—CFDA Number 84.224B must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: *http://e-grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks

before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

• You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this competition after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

• The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays, and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your 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.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Application Control Center after following these steps:

(1) Print ED 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

(4) Fax the signed ED 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2)(a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the e-Application system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Department's e-Application system; *and*

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Jeremy Buzzell, U.S. Department of Education, 400 Maryland Avenue, SW., room 5025, Potomac Center Plaza, Washington, DC 20202–2800. FAX: (202) 245–7591.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. 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 84.224B),
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 84.224B), 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 qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You 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 84.224B), 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 ED 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

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 and are in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your 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.

4. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals. The goal of Assistive Technology Act Data Collection and Reporting Assistance is to develop, as necessary, implement, maintain, and update a data collection and reporting system for use by all State AT programs and the U.S. Department of Education. This system must provide for necessary analysis and reporting of data to be used for evaluation, planning, management, and improvement of State AT programs. In order to assess the success of the grantee in meeting these goals, in addition to other information the grantee's annual performance report must include a description of—

(a) State-specific and national technical assistance provided to State AT programs to support their data collection and reporting infrastructure, and the outcomes of that technical assistance as evidenced by improvement in those infrastructures;

(b) State-specific and national data analyses performed and how, in collaboration with the National Assistive Technology Training and Technical Assistance Program, these analyses were used for planning, management, and improvement of State AT programs; and

(c) Modifications or improvements to the system made as a result of feedback received from State AT programs and the U.S. Department of Education on the usability or content of the system or to address emerging needs.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Jeremy Buzzell, U.S. Department of Education, 400 Maryland Avenue, SW., room 5025, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7319 or by e-mail: *jeremy.buzzell@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: April 11, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E6–5597 Filed 4–13–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RR06–1–000]

North American Electric Reliability Council and North American Electric Reliability Corporation; Notice of Filing

April 7, 2006.

Take notice that on April 4, 2006, the North American Electric Reliability Council and its affiliate, North American Electric Reliability Corporation, (jointly ''NERC'') tendered for filing an application for certification as the Electric Reliability Organization (''ERO'') pursuant to section 215 of the Federal Power Act. NERC claims to meet all statutory and regulatory requirements to serve as the ERO for the United States and to ensure reliable operation of the North American bulk power system. NERC also seeks Commission approval of its certificate of incorporation, its bylaws, and its rules of procedure, all of which will become the ''ERO Rules.'' In a companion filing, NERC is seeking approval of its currently-effective reliability standards.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. on May 4, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5554 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM05–30–000]

Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval and Enforcement of Electric Reliability Standards; Notice of New Docket Prefixes ''RR'', ''RD'', and RC for Reliability Organizations and Standards

April 7, 2006.

Notice is hereby given that new docket prefixes ''RR'', ''RD'', and ''RC'' have been established for certain filings pursuant to Order No. 672, issued February 3, 2006.[1]

The prefixes are defined as:

RR—ERO Rules and Organizational Filings,

RD—Electric Reliability Standards,

RC—Compliance and Enforcement of Reliability Standards and the following examples illustrate the types of reliability organization filings that fall under each of the new prefixes.

A. RR Prefix Filings—ERO Rules and Organizational Filings

1. Application for certification as the Electric Reliability Organization [39.3(a)].

2. The ERO's assessment of its performance [39.3(c)].

3. Request to modify the formula or method for the allocation and assessment of ERO dues, fees and charges [39.4(a)].

4. The ERO's proposed annual budget, including the annual budget for each Regional Entity [39.4(b)].

5. Request for authorization to collect a special assessment [39.4(d)].

6. Request for approval of penalty guidelines that set forth a range of penalties for the violation of Reliability Standards [39.7(g)(2)].

7. Agreement to delegate authority to a Regional Entity for the purpose of proposing Reliability Standards to the ERO and enforcing Reliability Standards [39.8(c)].

8. Application for assignment to an entity of the ERO's authority to enforce Reliability Standards within the entity's region [39.8(f)].

9. Request for approval of any proposed ERO Rule or Rule change or proposed Regional Entity Rule or Rule change [39.10(a)].

10. Petition to establish a Regional Advisory Body [39.13(a)].

B. RD Prefix Filings—Electric Reliability Standards

1. Each proposed Reliability Standard or modification to a Reliability Standard that is processed as an Order (a proposed reliability standard processed as a rulemaking will be designated an RM docket prefix) [39.5(a)].

2. Notification of the possible conflict of a Reliability Standard with a function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission [39.6(a)].

3. Application for a determination of consistency of a state action with a Reliability Standard [39.12(b)].

C. RC Prefix Filings—Compliance and Enforcement of Reliability Standards

1. Report to the Commission of any self-reported violation or investigation of a violation or an alleged violation of a Reliability Standard and its eventual disposition [39.7(b)].

2. Such periodic summary reports as the Commission shall from time to time direct on violations of Reliability Standards [39.7(b)(5)].

3. Notice of penalty for violation of a Reliability Standard [39.7(c)(2)].

4. Application for review of a penalty [39.7(e)(1)].

5. Report on the ERO's assessment of the reliability of the Bulk-Power System in North America [39.11(a)].

6. Report on the ERO's assessment of the adequacy of the Bulk-Power System in North America [39.11(b)].

7. Notice of proposed penalty, filed by ERO.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5560 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

[1] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards* (Order No. 672), 114 FERC 61,104 (2006).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

April 7, 2006.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER02–2400–005; ER06–64–001.

Applicants: Southern California Water Company.

Description: Golden State Water Co submits its revised Third Revised Sheet 1 et al., FERC Electric Tariff, Original Volume 1, to be effective 3/29/06, to reflect its name change, et al.

Filed Date: 03/28/2006.

Accession Number: 20060404–0010.

Comment Date: 5 p.m. eastern time on Tuesday, April 18, 2006.

Docket Numbers: ER06–278–000; ER06–278–002.

Applicants: Nevada Hydro Company, Inc.

Description: Nevada Hydro Co Company, Inc submits its response to FERC's 2/17/06 request for additional information and on 3/29/06 submits corrections to its filing of 3/20/06.

Filed Date: 03/20/2006 and 03/29/06.

Accession Numbers: 20060331–0184 and 20060404–0010.

Comment Date: 5 p.m. eastern time on Friday, April 21, 2006.

Docket Numbers: ER06–456–002.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an amendment to its 3/5/06 filing.

Filed Date: 03/29/2006.

Accession Number: 20060331–0187.

Comment Date: 5 p.m. eastern time on Friday, April 14, 2006.

Docket Numbers: ER06–522–001.

Applicants: Midwest Independent Transmission System Operator, Inc.; Midwest ISO Transmission Owners.

Description: Midwest Independent Transmission System Operator, Inc et al. submit its proposed revisions to Attachment N–1 of Midwest ISO Open Access Transmission & Energy Markets Tariff.

Filed Date: 03/29/2006.

Accession Number: 20060331–0186.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–619–001; ER96–110–019; ER99–2774–011; ER03–956–008; ER03–185–006; ER03–17–006; ER01–545–008; ER00–1783–008; ER02–795–006; ER96–2504–013; ER05–1367–002; ER05–1368–002; ER05–1369–003; ER00–826–005; ER00–828–005; ER98–421–016; ER98–4055–013; ER01–1337–008; ER02–177–009; ER03–1212–007.

Applicants: Duke Power Company LLC; Duke Energy Trading and Marketing, L.L.C.; Duke Energy Marketing America, LLC; Duke Energy Fayette, LLC; Duke Energy Hanging Rock, LLC; Duke Energy Lee, LLC; Duke Energy Vermillion, LLC; Duke Energy Washington, LLC; Cincinnati Gas & Electric Company; PSI Energy, Inc.; Union Light Heat & Power Company; Cinergy Marketing & Trading, LP; Brownsville Power I, L.L.C.; Caldonia Power I, L.L.C.; CinCap IV, LLC; CinCap V, LLC; Cinergy Capital & Trading, Inc.; Cinergy Power Investments, Inc.; St. Paul Cogeneration, LLC.

Description: Duke Energy Corp, et al., submit its notice of succession and amended market-based rate tariffs to reflect the name change Duke Power, currently a division of Duke Energy to Duke Power Co, LLC.

Filed Date: 03/29/2006.

Accession Number: 20060403–0196

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–722–001.

Applicants: Consumers Energy Company.

Description: Consumers Energy Co submits an amendment to its 3/13/06 filing, Notice of Cancellation for its Rate Schedule 102.

Filed Date: 03/29/2006.

Accession Number: 20060331–0178.

Comment Date: 5 pm Eastern Time on Wednesday, April 19, 2006.

Docket Numbers: ER06–791–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Co submits a notice of cancellation of the Interconnection Agreement 23 to FERC Electric Tariff, Second Revised Volume 11 with Palomar Energy, LLC.

Filed Date: 03/27/2006.

Accession Number: 20060404–0009.

Comment Date: 5 p.m. eastern time on Monday, April 17, 2006.

Docket Numbers: ER06–794–000.

Applicants: Xcel Energy Services, Inc.

Description: Xcel Energy Services Inc, on behalf of Public Service Co of Colorado submits its Amended and Restated Agreement for Interconnection Service with Rocky Mountain Energy Center LLC.

Filed Date: 03/29/2006.

Accession Number: 20060331–0177.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–795–000.

Applicants: Colorado Green Holdings, LLC; Flat Rock Windpower LLC.

Description: Colorado Green Holdings LLC et al. submit its proposed amendments to their market-based rate schedules and Code of Conduct.

Filed Date: 03/29/2006.

Accession Number: 20060331–0176.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–796–000.

Applicants: Emera Energy U.S. Subsidiary No. 2, Inc.

Description: Emera Energy U.S. Subsidiary No 2 Inc submits a petition for order accepting initial rate schedule, Original Volume No. 1, for filing.

Filed Date: 03/29/2006.

Accession Number: 20060331–0175.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–798–000.

Applicants: Pacific Gas & Electric Company.

Description: Pacific Gas and Electric Co submits its revised Service Agreements for Wholesale Distribution Service and an existing Interconnection Agreement etc with Port of Stockton.

Filed Date: 03/29/2006.

Accession Number: 20060331–0217.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–799–000.

Applicants: Entergy Services Inc.

Description: Entergy Services, Inc agent for Entergy Operating Companies submits an unexecuted Standard Large Generation Interconnection Agreement et al. with Arkansas Electric Cooperative Corp.

Filed Date: 03/29/2006.

Accession Number: 20060331–0202.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER06–802–000.

Applicants: United Wisdom Energy LLC.

Description: United Wisdom Energy, LLC submits a petition for acceptance of initial rate schedule, FERC Electric Rate Schedule 1, waivers and blanket authority.

Filed Date: 03/24/2006.

Accession Number: 20060403–0191.

Comment Date: 5 p.m. eastern time on Friday, April 14, 2006.

Docket Numbers: ER06–803–000.

Applicants: El Paso Electric Company.

Description: El Paso Electric Co submits executed non-conforming Service Agreements with Tucson Electric Power Company.

Filed Date: 03/28/2006.

Accession Number: 20060403–0192.

Comment Date: 5 p.m. eastern time on Tuesday, April 18, 2006.

Docket Numbers: ER06–806–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp submits an

information filing of revised transmission Access Charges effective 3/1/06.

Filed Date: 03/29/2006.

Accession Number: 20060403–0195.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER95–362–022.

Applicants: Stand Energy Corporation.

Description: Stand Energy Corp submits its revised tariff sheets for Rate Schedule No 1 pursuant to the Commission's 11/3/05 order.

Filed Date: 03/29/2006.

Accession Number: 20060331–0108.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Docket Numbers: ER97–2801–006; ER97–2801–008; EL05–95–000; ER03–478–005; ER03–478–006.

Applicants: PacifiCorp.

Description: PacifiCorp and PPM Energy, Inc submit an updated market power analysis in compliance with the Commission's 1/27/06 letter order.

Filed Date: 03/29/2006.

Accession Number: 20060331–0126.

Comment Date: 5 p.m. eastern time on Wednesday, April 19, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5553 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2150–033]

Puget Sound Energy, Inc., Washington; Notice of Availability of a Draft Environmental Impact Statement for the Baker River Hydroelectric Project

April 7, 2006.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a license for the Baker River Hydroelectric Project (FERC No. 2150–033), located on the Baker River in Whatcom and Skagit counties, Washington and has prepared a Draft Environmental Impact Statement (EIS) for the project. The draft EIS was prepared in cooperation with the U.S. Army Corps of Engineers pursuant to 40 CFR 1501.6 of the National Environmental Policy Act. The Baker River Project occupies 5,207 acres of lands within the Mt. Baker-Snoqualmie National Forest managed by the U.S. Forest Service.

In the draft EIS, Commission staff evaluate the applicant's proposal and the alternatives for relicensing the project. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

Comments should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426. All comments must be filed by May 30, 2006, and should reference Project No. 2150–033. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and instructions on the Commission's Web site at *http://www.ferc.gov* under the eLibrary link.

The Commission staff will consider comments made on the draft EIS in preparing a final EIS for the project. Before the Commission makes a licensing decision, it will take into account all concerns relevant to the public interest. The final EIS will be part of the record from which the Commission will make its decision.

Copies of the draft EIS are available for review in the Commission's Public Reference Branch or may be viewed on the Commission's Web site at *http://www.ferc.gov* under the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Anyone may intervene in this proceeding based on this draft EIS (18 CFR 380.10). You must file your request to intervene as specified above.[1] You do not need intervenor status to have your comments considered.

For further information, contact Steve Hocking at (202) 502–8753 or at *steve.hocking@ferc.gov.*

Magalie R. Salas,

Secretary.

[FR Doc. E6–5555 Filed 4–13–06; 8:45 am]

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[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–388–000; CP06–1–000]

Southern Natural Gas Company; Florida Gas Transmission Company; Notice of Availability of the Final Environmental Impact Statement for the Proposed Cypress Pipeline Project and Phase VII Expansion Project

April 7, 2006.

The staff of the Federal Energy Regulatory Commission (Commission or FERC) has prepared a final environmental impact statement (EIS) on the natural gas pipeline facilities proposed by Southern Natural Gas Company (Southern) and Florida Gas Transmission Company (FGT) in the above-referenced dockets. Southern's Cypress Pipeline Project would be located in various counties in southern Georgia and northern Florida. FGT's Phase VII Expansion Project (FGT Expansion Project) would be located in various counties in northern and central Florida.

The final EIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that the proposed projects, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The U.S. Army Corps of Engineers (COE) has participated as a cooperating agency in the preparation of the EIS because the projects would require permits pursuant to section 404 of the Clean Water Act (33 United States Code (U.S.C.) 1344) and section 10 of the Rivers and Harbors Act (33 U.S.C. 403). The COE would adopt the EIS per Title 40 Code of Federal Regulations Part 1506.3 if, after an independent review of the document, it concludes that its comments and suggestions have been satisfied.

The final EIS addresses the potential environmental effects of the construction and operation of the following facilities:

Cypress Pipeline Project

- About 166.9 miles of new 24-inch-diameter mainline pipeline (mainline) in Effingham, Chatham, Bryan, Liberty, Long, McIntosh, Glynn, Camden, and Charlton Counties, Georgia, and Nassau, Duval, and Clay Counties, Florida;
- About 9.8 miles of new 30-inch-diameter pipeline loop (loop) [1] in Chatham and Effingham Counties, Georgia;
- About 0.1 mile of 12-inch-diameter lateral pipeline in Duval County, Florida;
- Three new 10,350 horsepower (hp) gas-turbine-driven compressor stations in Liberty and Glynn Counties, Georgia, and in Nassau County, Florida;
- Four new meter stations in Glynn County, Georgia, and in Nassau, Duval, and Clay Counties, Florida;
- Modifications at two existing meter stations in Chatham and Cobb Counties, Georgia, and expansion of one meter station in Effingham County, Georgia;
- 16 new block valves including 14 associated with the new mainline and two associated with the new loop; and
- Four new pig [2] launcher/receiver facilities, including two in Effingham County, Georgia, one in Glynn County, Georgia, and one in Clay County, Florida, each collocated with new or existing meter stations or new compressor station sites.

Southern proposes to construct its pipeline facilities in three phases. Construction of Phase I would begin in October 2006 and be in service by May 2007. Construction of Phase II would begin in fall 2008 and be in service by May 2009. Construction of Phase III would begin in fall 2009 and be in service by May 2010.

FGT Phase VII Expansion Project

- About 32.6 miles of new 36-inch-diameter pipeline in three separate loops in Gilchrist, Levy, and Hernando Counties, Florida;
- Replacement and upgrades to existing compressors for a net increase of about 7,800 hp at FGT's Compressor Station no. 26 in Citrus County, Florida;
- Replacement of an existing compressor to add about 2,000 hp at FGT's existing Compressor Station no. 24 in Gilchrist County, Florida;
- Miscellaneous modifications and upgrades to existing compressors with no increases in hp at FGT's Compressor Station nos. 16, 17, and in Bradford, Marion, and Hillsborough Counties, Florida, respectively;
- A new interconnection with Southern's new mainline in Clay County, Florida;
- Modifications to five existing metering and/or regulation stations in Clay, Polk, Bradford, and Duval Counties, Florida; and
- New remote blowdown piping associated with the new pipeline loops at two locations in Levy County and two locations in Hernando County, Florida.

FGT proposes to construct its pipeline facilities in two phases. Construction of Phase I would begin in October 2006 and be in service by May 2007. Phase II is planned to begin in October 2008 and be in service by May 2009.

The final EIS has been placed in the public files of the FERC and the COE and is available for public inspection at:

Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426. 202–502–8371.

U.S. Army Corps of Engineers, Jacksonville District, 701 San Marco Boulevard, Jacksonville, Florida 32207. 904–232–1472.

A limited number of copies are available from the FERC's Public Reference Room identified above. In addition, copies of the final EIS have been mailed to Federal, state, and local government agencies; elected officials; Native American tribes; local libraries and newspapers; intervenors in the FERC's proceeding; individuals who provided scoping comments; and affected landowners and individuals.

In accordance with the Council on Environmental Quality's (CEQ) regulations implementing the NEPA, no agency decision on a proposed action may be made until 30 days after the U.S. Environmental Protection Agency publishes a notice of availability of a final EIS. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal appeal process which allows other agencies or the public to make their views known. In such cases, the agency decision may be made at the same time the notice of the final EIS is published, allowing both periods to run concurrently. The Commission's decisions for these proposed actions are subject to a 30-day rehearing period.

Additional information about the projects is available from the Commission's Office of External Affairs, at 1–866–208–FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number,'' excluding the last three digits in the Docket Number field (i.e., CP05–388 and/or CP06–1), and follow the instructions. You may also search using the phrase ''Cypress Pipeline Project'' or ''FGT Phase VII Expansion Project'' in the ''Text Search'' field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC Internet Web site also provides access to the texts of

[1] A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

[2] A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Information concerning the involvement of the COE is available from Jon Soderberg at 202–761–7763.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5561 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF06–18–000]

Questar Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Southern System Expansion Project II, Request for Comments on Environmental Issues and Notice of Scoping Meeting

April 7, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Questar Pipeline Company's (Questar) planned Southern System Expansion Project II located in Utah, Carbon, Duchesne, and Uintah Counties, Utah. This notice announces the opening of the scoping process we [1] will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on May 12, 2006.

Comments may be submitted in written form or presented verbally at the public meeting detailed below. Further details on how to submit written comments are provided in the public participation section of this notice. In lieu of sending written comments, you are invited to attend the public scoping meeting that is scheduled as follows:

Wednesday, April 26, 2006, 7 p.m.

Holiday Inn Hotel & Suites, 838 Westwood Blvd., Price, UT 84501. (435) 637–8880.

This notice is being sent to affected landowners; Federal, State, and local government representatives and agencies; environmental and public interest groups; Native American tribes; other interested parties in this proceeding; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

Summary of the Proposed Project

Questar proposes to increase the capacity of its southern transmission system by approximately 170,000 dekatherms per day. More specifically, Questar seeks authority to:

- Construct approximately 53 miles of 24-inch-diameter pipeline and ancillary facilities to loop Questar's existing Main Line (ML) No. 40 by extending its ML 104 from its easternmost terminus at Soldier Creek in Carbon County to the Green River Block Valve in Uintah County;
- Construct approximately 5 miles of 24-inch-diameter pipeline to loop its ML 104 between its existing Oak Springs Compressor Station (Oak Springs) and Fausett Junction in Carbon County; and
- Restage/reconfigure Oak Springs and Questar's existing Blind Canyon Compressor Station (Blind Canyon) and modify other existing facilities, including yard and station piping, cooling equipment, valves and launcher/receiver facilities at Oak Spring, Blind Canyon, and Questar's Thistle Creek Compressor Station in Utah County.
- Seek the modification of metering and gas separation facilities by Kern River Gas Transmission Company (Kern River) at its interconnect with the ML 104 Pipeline near Goshen, Utah, which serves as a receipt point for volumes delivered by Questar to Kern River at this location.

Location maps depicting Questar's proposed facilities and alternate routes are provided in Appendix 1.[2]

Currently Identified Environmental Issues

At this time no formal application has been filed with the FERC. For this project, the FERC staff has initiated its NEPA review prior to receiving the application. The purpose of our NEPA Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC.

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities, environmental information provided by Questar, discussions with staff of the Bureau of Land Management, and comments gathered from concerned citizens at Questar's open house held on March 28, 2006. This preliminary list of issues may be changed based on your comments and our analysis.

- Potential effect on perennial streams and intermittent streams crossed by or close to the route;
- Potential effect on vegetation and wildlife resources, including critical big game ranges and sage grouse habitat;
- Potential effect on endangered and threatened species;
- Potential effect on historic and prehistoric sites;
- Potential effect on recreation and public interest areas, including traffic impacts along the Nine Mile Canyon Scenic Backcountry Byway;
- Potential visual effect of the pipeline corridor;

The EA Process

The FERC will use the EA to consider the environmental impact that could result if it issues Questar a Certificate of Public Convenience and Necessity.

This notice formally announces our preparation of the EA and the beginning of the process referred to as ''scoping.'' We are soliciting input from the public and interested agencies to help us focus the analysis in the EA on the potentially significant environmental issues related to the proposed action.

Our independent analysis of the issues will be included in an EA that will be prepared for the project. Our evaluation will also include possible alternatives to the proposed project or portions of the project, and we will make recommendations on how to lessen or avoid impacts on the various resource areas of concern.

The EA will be mailed to Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; affected landowners; other

[1] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Office of Energy Projects.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site (excluding maps) at the ''eLibrary'' link or from the Commission's Public Reference Room or call (202) 502–8371. For instructions on connecting to eLibrary refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

interested parties; local libraries and newspapers; and the FERC's official service list for this proceeding. A 30-day comment period will be allotted for review of the EA. We will consider all comments submitted on the EA in any Commission Order that is issued for the project.

We are currently involved in discussions with other jurisdictional agencies to identify their issues and concerns. These agencies include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Land Management, Divisions of Wildlife and Water Resources of the Utah Department of Natural Resources, Division of Water Quality of the Utah Department of Environmental Quality, and the Utah State Historic Preservation Office. By this notice, we are asking these and other Federal, State, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposals. Your comments should focus on the potential environmental effects, reasonable alternatives and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please mail your comments so that they will be received in Washington, DC, on or before May 12, 2006, and carefully follow these instructions:

• Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Gas Branch 3, DG2E; and

• Reference Docket No. PF06–18–000 on the original and both copies.

Please note that the Commission encourages electronic filing of comments. See Title 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

When Questar submits its application for authorization to construct and operate the Southern System Expansion Project II, the Commission will publish a Notice of Application in the **Federal Register** and will establish a deadline for interested persons to intervene in the proceeding. Because the Commission's Pre-filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

Environmental Mailing List

If you wish to remain on the environmental mailing list, please return the Mailing List Retention Form included in Appendix 2. If you do not return this form, you will be taken off our mailing list.

Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208 FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' (*i.e.*, PF06–18–000), and follow the instructions. Searches may also be done using the phrase ''Southern System Expansion Project II'' in the ''Text Search'' field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information. Finally, Questar has established an Internet Web site for its project at (*http://www.questarssxpii.com*). The Web site includes a project overview, contact information, regulatory overview, and construction procedures.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5558 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC Docket No. PF06–15–000 and BLM Reference No. 2880/UTU–82750 and WYW–67229]

Wyoming Interstate Company, Ltd.; Notice of Intent To Prepare an Environmental Assessment And Proposed Land Use Plan Amendment for the Proposed Kanda Lateral and Mainline Expansion Project, Request for Comments on Environmental Issues, Notice of Public Scoping Meetings, and Notice of Site Visit

April 7, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Wyoming Interstate Company, Ltd's. (WIC) planned Kanda Lateral and Mainline Expansion Project located in Uintah and Daggett Counties, Utah and Sweetwater County, Wyoming. This notice explains the scoping process that will be used to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period for the project will close on May 19, 2006.

In lieu of or in addition to sending written comments, you are invited to attend the public scoping meetings that have been scheduled in the project area. These meetings are scheduled for April 24, 2006 in Rock Springs, Wyoming and April 25, 2006 in Vernal, Utah. Further instructions on how to submit written comments and additional details of the public scoping meetings are provided in the public participation section of this notice.

The FERC will be the lead federal agency for the preparation of the EA. The document will satisfy the requirements of the National Environmental Policy Act (NEPA) and will be used by the FERC to consider the environmental impacts that could result if it issues WIC a Certificate of Public Convenience and Necessity under section 7 of the Natural Gas Act.

The U.S. Department of the Interior, Bureau of Land Management (BLM) is participating as a cooperating agency in the preparation of the EA because the project would cross Federal land under the jurisdiction of the Vernal Field Office in Utah and the Rock Springs Field Office in Wyoming.

Under section 185(f) of the Mineral Leasing Act of 1920, the BLM has the authority to issue Right-of-Way Grants for all affected federal lands. This would be in accordance with Title 43 Code of Federal Regulations (CFR) parts 2800 and 2880, subsequent 2800 and 2880 Manuals, and Handbook 2801–1. As a cooperating agency, the BLM would adopt the EA to meet its NEPA responsibilities in considering WIC's application for a Right-of-Way Grant and obtain a Temporary Use Permit for the portion of the project on federal land. The BLM will also use the EA to consider amending the Green River Resource Management Plan (RMP). Additional discussion of the BLM's plan amendment process is presented later in this notice.

With this notice, the staffs of the FERC and BLM (Agency Staffs) are asking other Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues/impacts to participate as cooperating agencies in the preparation of the EA. These agencies may choose to participate once they have evaluated WIC's proposal relative to their responsibilities. Agencies that would like to request cooperating status should follow the instructions for filing comments described later in this notice.

This notice is being sent to affected landowners; Federal, state, and local government agencies and elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. The Agency Staffs encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a WIC representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. WIC would seek to negotiate a mutually acceptable agreement. If the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, in the event easement negotiations fail to produce an agreement, WIC could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My land? What Do I Need to Know?'' is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the FERC's proceedings.

Summary of the Proposed Project

The Kanda Lateral [1] would be comprised of about 124.5 miles of 20- or 24-inch-diameter pipeline beginning at the new Kerr-McGee Interconnect/Meter Station located in Uintah County, Utah. The pipeline would extend in a northerly direction through Daggett County, Utah and interconnect with WIC's mainline at the proposed Kanda Interconnect/Meter Station in Sweetwater County, Wyoming. Along the pipeline route, WIC would interconnect with two interstate pipelines, at the new Northwest Pipeline Interconnect/Meter Station and at the Clay Basin Storage Field Interconnect/Meter Station. In addition, WIC would construct various block valves and pig [2] launcher and receiver facilities. The Kanda Lateral pipeline facilities would be designed to deliver up to 225,000,000 Dth/d (decatherms per day) of gas into WIC's mainline. The majority of the pipeline route would parallel an existing Questar/Mapco Pipeline corridor. As part of the Mainline Expansion, WIC would install two compressor units totaling 12,824 horsepower at the existing Colorado Interstate Gas Company's Wamsutter Compressor Station located in Sweetwater County, Wyoming. A map depicting WIC's proposed facilities is provided in Appendix 1.[3]

WIC anticipates filing an application with the FERC in August 2006. If the Commission authorizes its project, WIC plans to begin construction in June 2007 to give it the opportunity to place the facilities in service by the fall of 2007.

The majority (70 percent) of WIC's proposed project would be on BLM lands.

[1] A lateral pipeline is a pipeline which branches away from the central or primary part of the pipeline system.

[2] A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

[3] The appendices referenced in this notice are not eing printed in the **Federal Register**. Copies are available on the Commission's Web site (excluding the map) at the ''eLibrary'' link or from the Commission's Public Reference Room or call (202) 502–8371. For instructions on connecting to ''eLibrary'' refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

Land Requirements

Construction of WIC's proposed pipeline and aboveground facilities would require about 2,219.6 acres of land, including the nominal construction right-of-way, temporary extra workspaces, pipe and contractor yards, staging areas, access roads, and aboveground facilities. Following construction, about 766.5 acres would be retained by WIC for operation of the pipeline and aboveground facilities. The remaining 1,453.1 acres would be restored and allowed to revert to its former use.

WIC is proposing an 85-foot-wide nominal construction right-of-way between milepost (MP) 0.0 and MP 82.4 and a 100-foot-wide nominal construction right-of-way between MP 82.4 and MP 124.5; with proposed temporary extra workspaces at site-specific locations to accommodate for rugged and steep terrain, side sloping, road, wetland, waterbody, and foreign pipeline crossings. Also, WIC proposes a 20-foot wide, ungraded area adjacent to the construction right-of-way to be used for placement of cut brush and limbs that are to be returned to the right-of-way after the pipe is installed. WIC would retain a 50-foot-wide permanent right-of-way for the pipeline.

The interconnect/meter stations would require about 0.7 acre each of land for operation, with additional temporary extra workspaces for construction. The Kerr-McGee Station site would house measuring and communication facilities, a pig launcher, and block valve. The Northwest Station site would house measuring and communication facilities. The Clay Basin Station site would house measuring and communication facilities, a pig launcher and receiver, and block valve. The Kanda Station would house measuring and communication facilities, a pig receiver, and block valve.

The block valves, that are not enclosed within a meter station site, would be located within a 45-foot by 75-foot (0.07 acre) fenced enclosure within the limits of the permanent right-of-way.

The two compressor units would be installed within the existing Wamsutter Compressor Station fenced property and would not require additional land.

The EA Process

NEPA requires the FERC to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. The BLM is required to consider the environmental impacts from a project

that requires BLM Right-of-Way Grants and/or Temporary Use Permits. The EA will give the Agency Staffs the information needed to do that.

Although no formal application has yet been filed with the FERC, the Agency Staffs have begun the environmental review of the project in accordance with the FERC's Pre-Filing Process. The purpose of the Pre-Filing Process is to seek public and agency input early in the project planning phase and encourage involvement by interested stakeholders to allow for the early identification and resolution of environmental issues/impacts. The Agency Staffs will work with all interested stakeholders to identify and attempt to address issues/impacts before WIC files its application with the FERC.

The Agency Staffs have already started to meet with WIC, jurisdictional agencies, and other interested stakeholders to discuss the project and identify issues/impacts and concerns. On April 4, 5, and 6, 2006, the Agency Staffs participated in public open houses sponsored by WIC in the project area to explain the environmental review process to interested stakeholders and take comments about the project. On April 6, 2006, the Agency Staffs conducted an interagency scoping meeting in the project area to solicit comments and concerns from agencies having jurisdiction over the project. By this notice, the Agency Staffs are formally announcing the preparation of the EA and requesting agency and public comments to help focus the analysis in the EA on the potentially significant environmental issues/impacts related to the proposed action.

The Agency Staffs' independent analysis of the issues/impacts will be included in the EA. The EA will also include possible alternatives to the proposed project or portions of the project, and we will make recommendations on how to lessen or avoid impacts on the various resource areas of concern. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local government agencies and elected officials; environmental and public interest groups; other interested parties; affected landowners; Native American tribes; newspapers and local libraries; and the Commission's official service list for this proceeding. A 30-day comment period will be allotted for review of the EA. We will consider all comments submitted on the EA in any Commission Order that is issued for the project.

The BLM's Plan Amendment Process

The BLM will also use the EA to consider amending the Green River RMP. Publication of this notice formally initiates the plan amendment process and begins the scoping process. There are potential alternative routes that cross BLM-administered lands currently excluded to rights-of-way. The EA will consider reasonable alternatives including those that would cross these excluded areas. Therefore, for the proposed project, the EA will be used by the BLM to consider amending the current Green River RMP (August 1997), which would be necessary for any pipeline construction within the excluded areas.

BLM regulations in Title 43 CFR part 1600 and the NEPA process detailed in the Council on Environmental Quality regulations in Title 40 CFR parts 1500–1508 guide preparation of plan amendments. The process is tailored to the anticipated level of public interest and potential for significant impacts.

Plan amendments (see Title 43 CFR 1610.5–5) change one or more of the terms, conditions, or decisions of an approved land use plan. These decisions may include those relating to desired outcomes; measures to achieve desired outcomes, including resource restrictions; or land tenure decisions. Plan amendments are required to consider any proposal or action that does not conform to the plan.

An applicant may request that the BLM amend the land use plan to allow an otherwise non-conforming proposal. The amendment and any implementation actions (i.e., granting the right-of-way and temporary use permit) may be considered together. Separate decisions will be issued for the right-of-way and, if necessary, the plan amendment.

Additional information regarding the plan amendment process can be found in the BLM's Land Use Planning Handbook (*http://www.blm.gov/nhp/200/wo210/landuse_hb.pdf*).

Planning criteria guide development of the plan amendment by helping define the decision space (or the ''sideboards'') of the planning effort; they are based on applicable laws, Director and State Director guidance, and the results of public and governmental participation (43 CFR 1610.4–2).

Planning criteria include but are not limited to the following:

- The plan amendment will be completed in compliance with the Federal Land Policy and Management Act (FLPMA), NEPA, and all other relevant Federal laws, Executive orders, and management policies of the BLM.
- Where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the amendment.
- The plan amendment will recognize valid existing rights.
- Native American Tribal consultations will be conducted in accordance with policy and Tribal concerns will be given due consideration.
- Maintaining the relevant and important values of the Greater Red Creek Area of Critical Environmental Concern (ACEC).
- Wyoming BLM Mitigation Guidelines.
- Standards for Healthy Rangelands.
- Criteria for Areas of Critical Environmental Concern.
- Criteria for interim management of Wilderness Study Areas.

Criteria for alternative formulation include:

- Intensive management of cultural and historic resources, including rock art occurrences, historic trails, and Native American respected places.
- Providing for various types and levels of vegetation uses, including wildlife habitat, watershed protection, and livestock grazing.
- Providing for authorizing rights-of-way, off-highway vehicle (OHV) use, and other activities that may result in surface disturbance.
- Modification of right-of-way concentration areas, exclusion areas, and avoidance areas to provide for development needs and protection of resource values.
- Providing varying protection levels for unique and nonrenewable geological, cultural, paleontological, and recreational values.
- Management options for protecting or enhancing wetlands and riparian areas.
- Providing varying protection levels and for enhancement of habitat for sensitive or important wildlife and plant species, including protection of key elk and deer habitat and Colorado River Cutthroat trout habitat.

Effects criteria to identify and analyze environmental consequences include:

- Effects of surface disturbing land uses and other disruptive human activities on air quality, visual resources, cultural resources, recreational opportunities, watershed, and wildlife resources.
- Effects caused by OHV use or restrictions on OHV use.
- Effects of fencing on wildlife movement and migration.
- Effects of all types of land and resource uses on the vegetation resource.

• Economic impacts of land use restrictions on economic sectors that are heavily dependent on the use of public lands and resources.

Criteria for selection of a potential plan amendment: Answers to the following questions will be used to guide selection of the potential amendment.

• Does/Do the alternatives meet guidelines for reduction of sedimentation and salinity, as stated in water quality plans of the State of Wyoming and the Environmental Protection Agency (EPA), and Colorado River Salinity Control Act?

• What levels of land use restrictions are needed to provide adequate protection of resource values?

• Do the alternatives retain reasonable accessibility of public lands for purposes of public access, public land use, and resource development?

• Are the alternatives consistent with plans, programs, and policies of other Federal agencies, state and local governments, and Indian tribes?

• Are the alternatives consistent with the objectives established in the Green River RMP?

• Are relevant and important values of the Greater Red Creek ACEC maintained?

• Are sensitive species being protected or their habitat enhanced?

Currently Identified Environmental Issues/Impacts

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project. The Agency Staffs have already identified issues/impacts that deserve attention based on a preliminary review of the proposed facilities, the environmental information provided by WIC, and comments received to date. This preliminary list of issues/impacts may be changed based on your comments and the additional analysis of the Agency Staffs.

• Geology and Soils:

—Assessment of potential geological hazards.

—Desert construction and erosion control.

—Right-of-way restoration and revegetation in an arid environment.

—Evaluation of noxious weed control.

—Need for a rock disposal plan.

—Construction in steep terrain, including blasting.

• Water Resources:

—Impact of dry crossings of irrigation canals and drains.

—Impact of open-cut crossings of dry washes.

—Impact on wetland hydrology and assessment of wetland mitigation options.

—Effect of pipeline crossings on perennial and intermittent waterbodies.

• Fish, Wildlife, and Vegetation

—Effect on sensitive fisheries.

—Effect on wildlife resources and their habitat.

—Effect on riparian vegetation.

• Special Status Species:

—Potential effect on federally listed or proposed species.

—Potential effect on state-listed sensitive species.

—BLM sensitive species.

• Cultural Resources:

—Effect on historic and prehistoric sites.

—Native American and tribal concerns.

• Land Use, Recreation and Special Interest Areas, and Visual Resources:

—Evaluation of the current right-of-way concentration area through the Greater Red Creek ACEC.

—Visual impacts.

Public Participation

You are encouraged to become involved in this process and provide your specific comments or concerns about WIC's proposal. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To expedite the Agency Staffs' receipt and consideration of your comments, electronic submission of comments is strongly encouraged. See Title 18 CFR 385.2001(a)(1)(iii) and the instructions on the FERC Internet Web site (*http://www.ferc.gov*) under the eFiling link and the link to the User's Guide. Before you can submit comments you will need to create a free account by clicking on ''Sign-up'' under ''New User''. You will be asked to select the type of submission you are making. This type of submission is considered ''Comment on Filing''. Comments submitted electronically must be submitted by May 19, 2006.

If you wish to mail comments, please mail your comments so that they will be received in Washington, DC on or before May 19, 2006 and carefully follow these instructions:

• Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Gas Branch 1; DG2E;

• Reference Docket No. PF06–15–000 on the original and both copies.

The public scoping meetings are designed to provide another opportunity to offer comments on the proposed project. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues/impacts they believe should be addressed in the EA. A transcript of the meetings will be generated so that your comments will be accurately recorded. Meetings will begin at 7 p.m. (m.d.t.), and are scheduled as follows:

Date	Location
Monday, April 24, 2006.	Holiday Inn, 1675 Sunset Drive, Rock Springs, WY 82901, (307) 382–9200.
Tuesday, April 25, 2006.	Western Park—Convention Center, 300 East 200 South, Vernal, UT 84078, (435) 789–7396.

Site Visit

On April 25 and 26, 2006, the Agency Staffs will conduct a site visit of the planned Kanda Lateral and Mainline Expansion Project.

We will view the proposed route and variations that are being considered for the planned pipeline. Agency Staffs will travel during this visit by automobile and on foot. Representatives of WIC will accompany the Agency Staffs.

All interested parties may attend the site visit on both days. Those planning to attend must provide their own transportation. If you are interested in attending the site visits, please meet us at 9 a.m.on April 25 in the parking lot of the Holiday Inn, 1675 Sunset Drive, Rock Springs, WY for the Wyoming portion of the project, and at 9 a.m.on April 26 in the parking lot of the Best Western Antlers, 423 West Main, Vernal, UT for the Utah portion of the project.

For additional information, please contact the Commission's Office of External Affairs at 1–866–208–FERC (3372).

Environmental Mailing List

If you received this notice, you are on the environmental mailing list for this project and will continue to receive project updates including the EA. If you want your contact information corrected or you do not want to remain on our mailing list, please return the Correct or Remove From Mailing List Form included as Appendix 2.

Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208 FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'', and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to the eSubscription link on the FERC Internet Web site.

Information concerning the proposed land use plan amendment and the involvement of the BLM in the EA and plan amendment process may be obtained from Mark Mackiewicz, PMP, Project Manager, at (435) 636–3616.

Finally, WIC will be setting up a publicly available Web site for its project. The Web site will include a description of the project, responses to frequently asked questions, and other appropriate project-related information. WIC will continually update its Web site with information about the project. WIC has designated the following individual as the single point of contact for stakeholder communication for this project: Mr. David R. Anderson, Manager, Land Department, Wyoming Interstate Company, Ltd., Two North Nevada Avenue, Colorado Springs, Colorado 80903, Telephone 1–877–598–5263, e-mail: *david.r.anderson@elpaso.com.*

Magalie R. Salas,

Secretary.

[FR Doc. E6–5557 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File License Application and Filing of Pre-Application Document

April 7, 2006.

a. *Type of Filing:* Notice of Intent to File License Application.

b. *Project No.:* 2211–002.

c. *Dated Filed:* March 31, 2006.

d. *Submitted by:* PSI Energy.

e. *Name of Project:* Markland Hydroelectric Project.

f. *Location:* On the Ohio River, in Switzerland County, Indiana. The project occupies about 1 acre of United States lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Frank Weider, PSI Energy, 139 East Fourth Street, Cincinnati, OH 45201; (513) 287–3132; e-mail—*frank.weider@cinergy.com.*

i. *FERC Contact:* Dianne Rodman at (202) 502–6077; or e-mail at *dianne.rodman@ferc.gov*.

j. PSI Energy filed its request to use the Traditional Licensing Process on July 1, 2005. The Director of the Office of Energy Projects approved PSI Energy's request to use the Traditional Licensing Process on December 1, 2005.

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and (b) the Indiana State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating PSI Energy as the Commission's non-Federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. PSI Energy filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, of for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://ferc.gov/esubscribenow.htm* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD. All comments on the PAD should be sent to the address above in paragraph h. In addition, all comments on the PAD and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission (original and eight copies) at the following address: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include the project name and number, and bear the heading ''Comments on Pre-Application Document,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in commenting on the PAD must do so by June 5, 2006.

Comments on the PAD and other permissible forms of communications with the Commission may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5556 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM00–12–000 and Docket No. RM05–32–000]

Electronic Filing of Documents; Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005; Version 6.1 Release for Electronic Filing System and Revised Guidelines for Filings Under the Public Utility Holding Company Act of 2005

April 7, 2006.

Take notice that the Commission has upgraded its Electronic Filing (eFiling) System to Version 6.1. The new release provides additional on-screen guidance for each screen, and adds the new qualified document filing types defined in Attachment A to this notice. The new filing types will be added to the list of qualified documents at: *http://www.ferc.gov/docs-filing/efiling/docs-efiled.asp.*

Some of the new qualified document types pertain to filings under the Public Utility Holding Company Act of 2005 (PUHCA 2005) for which the Commission previously issued electronic filing guidelines. The new release makes it necessary to revise the previously issued guidelines. The revised filing guidelines for FERC Form 60, FERC 65, FERC 65A and FERC 65B are included in Attachment B, and will be posted on the Commission's Web site at: *http://www.ferc.gov/help/how-to/puhca-guidelines.pdf.*

Attachment C contains a new filing guideline for submitting Form 523—Request for Permission to Issue Securities (18 CFR Part 34). These procedures will also be posted on the Commission's Web site at: *http://www.ferc.gov/help/how-to.asp.*

In accordance with 18 CFR 385.2003(c), the Secretary of the Commission is authorized to issue and amend a list of qualified documents only to the extent that no additional requirements are placed upon submitters of electronic documents beyond those contained in the Commission's regulations. The eFiling system is a voluntary paperless alternative to paper submission of certain documents. In terms of the user interface, Version 6.1 is similar to the previous version. There are no major changes to the screen sequence or the functionality of each screen, and there are no additional requirements placed on submitters.

The new release clarifies that the file size limit is 10 Mb. The maximum number of files per submission remains at 10. Note that one .zip file containing 10 files counts as 10 files.

Documents submitted via eFiling are still limited to those in the public domain. Users must not submit Privileged, Protected, Critical Energy Infrastructure (CEII) or Non-Internet Public (NIP) information through the eFiling system.

The Commission Staff prefers that eFiled documents be submitted in text-searchable formats, *e.g.*, in Word or Print-to-PDF format, whenever possible.

Questions about this notice may be directed to Brooks Carter at 202–502–8145, or by e-mail to *brooks.carter@ferc.gov.* For assistance with eFiling, please e-mail *FERCOnlineSupport@ferc.gov* or call 1–866–208–3676 (toll free) or 202–502–6652 (local).

Magalie R. Salas,

Secretary.

Attachment A: New Qualified Documents Eligible for eFiling: (*http://www.ferc.gov/docs-filing/efiling/docs-efiled.asp*)

Electric Documents

FERC Form 60–Annual Report by Service Companies: The annual reports pursuant to 18 CFR 366.23 of the Commission's regulations that are required to be filed by May 1, 2006, and each May 1 thereafter, by any service company in a holding company system that is not a special purpose company (*e.g.*, a fuel supply company or a construction company) that provides non-power goods or services to a Commission-jurisdictional public utility or natural gas company, unless otherwise exempted or granted a waiver by Commission rule or order. The hardcopy form is available at: *http://www.ferc.gov/docs-filing/hard-fil.asp?new=sc1#60.* The report may be filed as a spreadsheet file or a scanned document.

FERC–65A—Exemption Notification (18 CFR 366.4(b)): The notification required to be filed by persons seeking exemption from the requirements of PUHCA 2005 and the Commission's regulations under 18 CFR 366.3(a), or one of the class of exemptions adopted under 18 CFR 366.3(b).

FERC–65B—Waiver Notification (18 CFR 366.4(c)): The notification required to be filed by persons seeking waiver of the Commission's regulations under PUHCA 2005 pursuant to 18 CFR 366.3(c).

Form 523—Request for Permission to Issue Securities (18 CFR Part 34): Applications for authorization from the Commission to issue securities or assume an obligation or liability that are filed by (1) Licensees and other entities pursuant to sections 19 and 20 of the Federal Power Act, and (2) Public Utilities pursuant to section 204 of the Federal Power Act.

Hydropower Documents

ILP Initial and Updated Study Report: An annual report describing the progress in implementing the Commission-approved study plan and any modifications or new studies being proposed by the applicant, filed in accordance with 18 CFR 5.15.

ILP Notice of Request for Formal Dispute Resolution: A notice of study dispute with the Director of the Office of Energy Projects study determination as to a study that directly pertains to a federal agency's mandatory conditioning authority under Federal Power Act Sections 18 and 4(e) or agency or Indian tribe mandatory conditioning authority to issue a water quality certification under section 401 of the Clean Water Act, filed in accordance with 18 CFR 5.14.

ILP Proposed Study Plan: A license applicant's proposed study plan filed in accordance with 18 CFR 5.11 of the Commission's regulations.

ILP Revised Study Plan: A license applicant's revised study plan addressing any comments received on the proposed study plan and any agreements reached during the study plan meetings, filed in accordance with 18 CFR 5.13 of the Commission's regulations.

ILP Scoping Comments and Study Request: Comments on the Pre-Application Document and/or Scoping Document, and Study Requests filed in accordance with 18 CFR 5.9 of the Commission's regulations.

Notice of Intent and Pre-Application Document: A notice of an Applicant's intention to file for an original, new, or subsequent hydropower license application and the document describing all existing, relevant, and reasonably available information regarding the project proposal and its environmental effects, the content of which is completely public (*i.e.*, does not contain Privileged, Critical Energy Infrastructure, or Non-Internet Public information), and is filed in accordance with 18 CFR 5.6 of the Commission's regulations.

Attachment B: PUHCA Filing Guidelines (*http://www.ferc.gov/help/how-to/puhca-guidelines.pdf*)

Filing Guidelines for Holding Company Filings Under the Public Utility Holding Company Act of 2005 and 18 CFR Part 366

This document contains the guidelines for the following filings pursuant to the Public Utility Holding Company Act of 2005 and Commission Order No. 667, issued December 8, 2005:

(1) FERC–65, Notification of Holding Company Status (18 CFR 366.4(a))

(2) FERC–65A, Exemption Notification (18 CFR 366.4(b))

(3) FERC–65B, Waiver Notification (18 CFR 366.4(c)), and

(4) SEC Financing Authorization Orders or Letters/Reports/Other Submissions (18 CFR 366.6(a) and (b))

(5) Notice of Self-Certification of Exempt Wholesale Generator Status (18 CFR 366.7)

(6) Notice of Self-Certification of Foreign Utility Company Status (18 CFR 366.7)

(7) FERC Form 60, Annual Report by Service Companies

FERC–65, FERC–65A, and FERC–65–B refer to FERC reporting designations and do not represent actual forms.

FERC–65, Notification of Holding Company Status (18 CFR 366.4(a))

Companies that are holding companies as of February, 8, 2006, shall notify the Commission of their status as a holding company no later than14 days after the Commission issues an order on rehearing. Holding companies formed after February 8, 2006, shall notify the Commission of their status no later than the later of 14 days after the Commission issues an order on rehearing or 30 days after their formation.

These notification filings should be submitted using the Commission's eFiling system available at *http://www.ferc.gov/docs-filing/ferconline.asp.* Do not include waiver or exemption notifications with these filings. The document you submit should include HC06–1–000 in the caption or heading of the document for any notification filed on or before September 30, 2006. During the eFiling submission process:

1. Select the filing type ''Production of Document.''

2. On the Select Docket screen, enter HC06–1 in the docket number search block and select HC06–1–000 from the results.

3. Before you browse, select, and attach the file, make sure that the file name is less than 25 characters and contains no spaces or special characters.

4. On the Submission Description screen, edit the description by replacing ''Production of Document'' with ''Notification of Holding Company Status.''

It is not necessary to include a form of notice for the **Federal Register**.

If you are unable to file electronically, you must submit an original and 14 paper copies of the filing to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Please be advised that the United States Postal Service scans all documents addressed to the Commission with a heat-treatment process that may corrupt diskettes and render filings unusable. Please use express mail or courier delivery services.

FERC–65A (Exemption Notification) (18 CFR 366.4(b))

FERC–65B (Waiver Notification) (18 CFR 366.4(c))

These notifications should be submitted using the Commission's electronic filing system available at *http://www.ferc.gov/docs-filing/ferconline.asp.* Do not include Notifications of Holding Company Status (FERC–65) with these filings. The document you submit should include PH06–__–000 in the caption or heading of the document, for filings made on or before September 30, 2006. You must include a Form of Notice for publication in the **Federal Register**, either as part of the notification file or as a separate file. During the e-filing submission process:

1. Select filing type FERC 65A—Exemption Notification or FERC Form 65B—Waiver Notifications, as appropriate for your submission [there is no ''form'' for FERC–65A and B; these are merely reporting designations].

2. Before you browse, select, and attach the notification file (or notification and form of notice files), make sure that the file names are less than 25 characters and contain no spaces or special characters.

3. On the Submission Description screen, you may edit the default description to more fully describe your submission. The description will be used in eLibrary to describe your filing.

If you are unable to file electronically, you must submit an original and 14 paper copies of the filing, with a form of notice of the ''PH'' filing suitable for publication in the **Federal Register** on a 3½″ diskette, to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Forms of notice for ''PH'' exemption and waiver notifications are available on the Commission's Web site at *http://www.ferc.gov/docs-filing/not-form.asp.*

Please be advised that the United States Postal Service scans all documents addressed to the Commission with a heat-treatment process that may corrupt diskettes and render filings unusable. Please use express mail or courier delivery services.

SEC-Related Financing Authorization Orders or Letters/Reports/Other Submissions (18 CFR 366.6(a) and (b))

Holding companies that intend to rely on financing authorization orders or letters issued by the Securities and Exchange Commission (SEC), or that submitted reports or other submissions previously with the SEC and that now must file with the Commission, must file these orders, letters, reports or other submissions with the Commission by March 10, 2006.

These filings should be submitted using the Commission's eFiling system, available at *http://www.ferc.gov/docs-filing/ferconline.asp* provided that the entire content of the filing is in the public domain. Do not include filings under any other section with the authorization orders. The document you submit should include HC06–2–000 (Note—do not use HC06–1–000 for such submittals) in the caption or heading of the document, for filings made on or before September 30, 2006. During the eFiling submission process:

1. Select the filing type ''Production of Document.''

2. On the Select Docket screen, enter HC06–2 in the docket number search block and select HC06–2–000 from the results.

3. Before you browse, select, and attach the file, make sure that the file name is less than 25 characters and contains no spaces or special characters.

4. On the Submission Description screen, edit the description by replacing ''Production of Document'' with ''SEC Financing Authorization Order/Letter''

It is not necessary to include a form of notice for the **Federal Register**.

If you are unable to file electronically, you must submit an original and 14 paper copies of the filing to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Please be advised that the United States Postal Service scans all documents addressed to the Commission with a heat-treatment process that may corrupt diskettes and render filings unusable. Please use express mail or courier delivery services.

Self-Certification Notices for Exempt Wholesale Generators and Foreign Utility Companies (18 CFR 366.7)

An exempt wholesale generator or a foreign utility company, or their representative, may file with the Commission a notice of self-certification demonstrating that it satisfies the definition of exempt wholesale generator or foreign utility company. No filing fee is required for a notice of self-certification.

In the case of exempt wholesale generators, the person filing a notice of self-certification under this section must also represent in its filing that it has provided a copy of the notice to the state regulatory authority of the state in which the facility is located, and must further represent in its filing, to the extent necessary, that the state commission has made the ''specific determination'' provided in section 32(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a(c)).

In the case of foreign utility companies, the person filing a notice of self-certification under this section must represent in its filing that the relevant state commissions have certified that they had the authority and resources to protect ratepayers of public utility companies associated or affiliated with the foreign utility company.

Because notices of these filings will be published in the **Federal Register**, both exempt wholesale generators and foreign utility companies must include in their submission a separate file containing a form of notice suitable for publication in the **Federal Register**.

These filings should be submitted using the Commission's eFiling system, available at *http://www.ferc.gov/docs-filing/ferconline.asp* provided that the entire content of the filing is in the public domain. Do not include filings under any other section with these filings. The document you submit should include EG06–____–000 or FC06–____–000, as applicable, in the caption or heading of the document, for filings made on or before September 30, 2006. During the eFiling submission process:

1. Select the filing type ''Qualifying Facility Notice of Self Certification.'' (At a later date, this filing type will be changed to Notice of Self-Certification for QF's, EG's, and FC's.'')

2. Before you browse, select, and attach the file, make sure that the file names are less than 25 characters and contain no spaces or special characters.

3. On the Submission Description screen, edit the description by replacing ''Qualifying Facility Notice of Self Certification'' with either (a) ''Exempt Wholesale Generator Notice of Self Certification'' or (b) ''Foreign Utility Company Notice of Self Certification'', as applicable.

If you are unable to file electronically, you must submit an original and 14 paper copies of the filing to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

You must include a form of notice of the ''EG'' or ''FC'' filing suitable for publication in the **Federal Register** on a 3½″ diskette.

Please be advised that the United States Postal Service scans all documents addressed to the Commission with a heat-treatment process that may corrupt diskettes and render filings unusable. Please use express mail or courier delivery services.

FERC Form 60—Annual Report by Service Companies

These reports, due May 1, 2006, should be submitted using the Commission's electronic filing system available at *http://www.ferc.gov/docs-filing/ferconline.asp.* The report may be submitted in any of the file formats acceptable for efiling, including spreadsheet or scanned image formats.

1. Select the filing type ''FERC Form 60—Annual Report by Service Companies.''

2. On the Select Docket screen, enter HC06–3 in the docket number search block and select HC06–3–000 from the results.

3. Before you browse, select, and attach the file, make sure that the file name is less than 25 characters and contains no spaces or special characters.

4. On the Submission Description screen, edit the description, if necessary, to more accurately describe your submission.

If you are unable to file electronically, you must submit an original and 14 paper copies of the filing to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

You must include a form of notice of the ''EG'' or ''FC'' filing suitable for publication in the **Federal Register** on a 3½″ diskette.

Please be advised that the United States Postal Service scans all documents addressed to the Commission with a heat-treatment process that may corrupt diskettes and render filings unusable. Please use express mail or courier delivery services.

Attachment C: Form 523 Filing Guidelines

Filing Guidelines for Form 523—Request for Permission To Issue Securities or Assume Liabilities, Filed Pursuant to Federal Power Act Sections 19, 20, or 204 and 18 CFR Part 34

Applications for authorization from the Commission to issue securities or assume an obligation or liability that are filed by (1) Licensees and other entities pursuant to sections 19 and 20 of the Federal Power Act, and (2) Public Utilities pursuant to section 204 of the Federal Power Act, may now be submitted using the Commission's electronic filing system, subject to certain limitations. The eFiling system is available at *http://www.ferc.gov/docs-filing/ferconline.asp.*

Persons submitting these applications must not include filings under Federal Power Act Section 203 with their application. Section 203 filings must be submitted separately on paper with an original and eight copies [Section 203 applies to Applications for: (a) Sale or Lease of Facilities; (b) Merger or Consolidation of Facilities, and (c) Purchase of Securities of a Public Utility].

In addition, only the public portion of an application under 18 CFR part 34 may be submitted via eFiling. A single copy of any Non-Public materials must be submitted on paper or CD. It would be beneficial to include the Accession Number assigned to the electronic filing with the Non-Public submission, if possible.

The Form 523 application you submit should include ES06–____–000 in the caption or heading of the document, for filings made on or before September 30, 2006, one of the files you attach should contain a form of notice. The format for the notice is in the entry for 18 CFR 34.3 in the table at: *http://www.ferc.gov/docs-filing/not-form.asp.*

Once you have logged in to the eFiling system:

1. Select the filing type for Form 523 under the Electric Menu section.

2. Before you browse, select, and attach the files and form of notice files, make sure that the file names are less than 25 characters and contain no spaces or special characters.

3. You may attach up to 10 files with each file no greater than 10 Mb during a single efiling session. All files must be in the Public domain.

4. At the Submission screen, please edit the default description, if necessary, to more accurately describe your submission. This is the description that will appear in elibrary.

5. If it is necessary to submit a large application (e.g., one in which there are more than 10 files) in multiple eFiling sessions, then at the end of the Submission Description, add ''Part 1 of ____'', ''Part 2 of ____'', etc., to more clearly identify the parts of your application.

If your submission contains non-public material that must be filed on paper or CD, please include the accession numbers from the related eFiling(s) on the cover letter for the non-public submission, if possible. Otherwise, please send an e-mail to *efiling@ferc.gov* to let us know that you have both eFiled and paper/CD components to your submission. This helps us link the components of your submission together in eLibrary, the Commission's online document management system.

If you are unable to file electronically, you must submit an original and four paper copies of the public material and one original of any non-public material to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Please be advised that the United States Postal Service scans all documents addressed to the Commission with a heat-treatment process that may corrupt diskettes and render filings unusable. Please use express mail or courier delivery services.

[FR Doc. E6–5559 Filed 4–13–06; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6674–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 7, 2006 (71 FR 17845).

Draft EISs

EIS No. 20050541, ERP No. D–COE–G36156–AR, Bayou Meto Basin, Arkansas General Reevaluation Project, Address Waterfowl Management, Water Supply and Flood Control Strategies, Located in Portions of Lonoke, Prairie, Jefferson, Arkansas and Pulaski, AR.

Summary: EPA expressed environmental concerns about wetland, water quality and groundwater impacts, and requested additional information on avoidance and mitigation of the above issues.

Rating EC2.

EIS No. 20050546, ERP No. D–BLM–L67046–ID, Smoky Canyon Mine Panels F & G, Proposed Mine Expansion, Caribou County, ID.

Summary: EPA has environmental objections to predicted exceedances of surface water quality standards from the proposed mine expansion, and recommends that additional modifications be made to the preferred alternative to remedy potential impacts and that further analysis of uncertainties be provided.

Rating EO2.

EIS No. 20060026, ERP No. D–AFS–L65501–AK, Whistle Stop Project, Provide Access to Backcountry Recreation Area on National Forest, System (NFS) Lands, on the Kenai Peninsula between Portage and Moose Pass, Chugach National Forest, Kenai Peninsula Borough, AK.

Summary: EPA does not object to the proposed project.

Rating LO.

Final EISs

EIS No. 20060013, ERP No. F–COE–D39028–00, TIERED–FEIS Baltimore Harbor and Channels Dredged Material Management Plan (DMMP), To Analyze Dredged Material Placement, Port of Baltimore, Chesapeake Bay, MD, PA, DE, WV, DC, and NY.

Summary: EPA's previous concerns have been resolved; therefore, EPA does not object to the proposed action.

EIS No. 20060060, ERP No. F–HUD–C85046–NY, Ashburton Avenue Master Plan and Urban Renewal Plan/Mulford Hope VI Revitalization Plan, Development, Implementation, Yonkers City, Westchester County, NY.

Summary: EPA expressed environmental concerns aboutGeneral Conformity and the need to provide analysis of PM2.5 impacts, and the inclusion of emissions from demolition, excavation and construction in the analysis.

EIS No. 20060061, ERP No. F–HUD–K80045–CA, Stillwater Business Park, New and Revised Information, Development of Business Park, Annexation AN1–01, Shastec Redevelopment Project Area, Airport Land Use Plan Amendment, Pre-Zone, General Plan Amendment GPA–2–01, Rezone RZ–1–01, Funding and U.S. Army COE 404 Permit, City of Redding, Shasta County, CA.

Summary: EPA continues to have environmental concerns about potential cumulative impacts to the Stillwater Plains conservation area and requested additional mitigation for these impacts.

EIS No. 20060051, ERP No. FS–AFS–J65277–CO, Sheep Flats Diversity Unit, Timber Sales and Related Road Construction, Additional Information Concerning Management Indicator Species and Sensitive Species, Grand Mesa Uncompahgre and Gunnison National Forests, Grand Valley Ranger District, Mesa County, CO.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20060058, ERP No. FS–AFS–J65327–CO, Baylor Park Blowdown Project, New Information, Salvage and Treat Down and Damaged Timber, To Reduce Impact of Spruce Beetles, Implementation, White River National Forest, Sopris and Rifle Ranger District, Garfield, Mesa and Pitkin Counties, CO.

Summary: No formal comment letter was sent to the preparing agency.

Dated: April 11, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6–5589 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL6674–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements filed 04/03/2006 through 04/07/2006 pursuant to 40 CFR 1506.9.

EIS No. 20060122, Draft EIS, BIA, WA, Cowlitz Indian Tribe Trust Acquisition and Casino Project, Take 151.87 Acres into Federal Trust and Issuing of Reservation Proclamation, and Approving the Gaming Development and Management Contract, Clack County, WA.

Comment Period Ends: 07/14/2006, Contact: Chuck James 530–231–6229.

EIS No. 20060123, Final EIS, AFS, CO, Village at Wolf Creek Project, Application for Transportation and Utility Systems and Facilities, Proposed Development and Use of Road and Utility Corridors Crossing, National Forest System Lands to

Access 287.5 Acres of Private Property Land, Mineral County, CO.

Wait Period Ends: 05/15/2006, Contact: Robert Dalrymple 719–852–5941.

EIS No. 20060124, Draft EIS, AFS, NM, Echo Trail Area Forest Management Project, Forest Vegetation Management and Related Transportation System, Superior National Forest Land and Resource Management Plan, Lacroix Ranger District and Kawishiwi Ranger District, St. Louis and Lake Counties, MN.

Comment Period Ends: 05/30/2006, Contact: Carol Booth 218–666–0020.

EIS No. 20060125, Draft EIS, FRC, WA, Baker River Hydroelectric Project, Application to Relicense the Upper Baker and Lower Baker Developments, Mt. Baker-Snoqualmie National Forest, Baker River, Whatcom and Skagit Counties, WA.

Comment Period Ends: 05/30/2006, Contact: Steve Hocking 202–502–8753.

EIS No. 20060126, Draft Supplement, NOA, 00, Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region, Approval for Measures to End Bottomfish Overfishing in the Hawaii Archipelago, HI, GU and AS.

Comment Period Ends: 05/30/2006, Contact: William L. Robinson 808–973–2937.

EIS No. 20060127, Draft EIS, AFS, CA, North 49 Forest Health Recovery Project, Restore Fire Adapted Forest System, Located in the Red (MA–16) and Logan (MA–45) Management Areas, Hat Creek Ranger District, Lassen National Forest, Shasta County, CA.

Comment Period Ends: 05/31/2006, Contact: Scott Stawiarski 530–336–5521.

EIS No. 20060128, Final EIS, FHW, UT, Brown Park Road Project, Reconstruction (Paving) and Partial Re-Alignment from Red Creek to Colorado State Line, Diamond Mountain Resource Management Plan Amendment (BLM), U.S. Army COE Section 404 Permit, Daggett County, UT.

Wait Period Ends: 05/15/2006, Contact: Gregory Punske 801–768–7200 Ext 123.

EIS No. 20060129, Final EIS, FRC, FL, Cypress Pipeline Project and Phase VII Expansion Project, Construction and Operation, U.S. Army COE Section 10 and 404 Permits, Northern and Central Florida.

Wait Period Ends: 05/15/2006, Contact: Todd Sedmak 1–866–208–3372.

EIS No. 20060130, Final EIS, COE, CA, ADOPTION—CA–905 Freeway or Tollway Construction Project Route Location, Adoption and Construction, Otay Mesa Port of Entry to I–805, Funding and U.S. Army COE Section 404 Permit Issuance, San Diego County, CA.

Wait Period Ends: 05/15/2006, Contact: Terry Dean 858–674–5386.

Corps of Engineers (COE) has adopted the Department of Transportation's, Federal Highway Administration, FEIS #20040384, filed 08/10/2004. COE was not a Cooperating Agency on the above FEIS. Under § 1506.3(b) of the CEQ Regulations, the FEIS must be Recirculated for a 30-day Wait Period.

EIS No. 20060131, Draft EIS, AFS, OR, Kelsey Vegetation Management Project, Moving Resource Conditions Closer to the Goals and Desired Future Condition, Deschutes National Forest Land Resource Management Plan, Bend-Fort Rock Ranger District, Deschutes County, OR.

Comment Period Ends: 05/30/2006, Contact: David Frantz 541–383–4721.

EIS No. 20060132, Draft EIS, AFS, ID, White/White Analysis Project, Proposes Vegetative Management and Watershed Improvement, Lolo Creek, Chamook Creek, White Creek, Mike White Creek, Nevada Creek, and Utah Creek, Lochsa Ranger District, Clearwater National Forest, Idaho and Clearwater County, ID.

Comment Period Ends: 05/30/2006, Contact: Steve Bess 208–926–4274.

EIS No. 20060133, Final EIS, NRC, MS, Grand Gulf Early Site Permit (ESP) Site, Construction and Operation, Issuance of an Early Site Permit (ESP), NUREG–1817, Claiborne County, MS.

Wait Period Ends: 05/15/2006, Contact: James Wilson 301–415–1108.

Dated: April 11, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6–5574 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0194; FRL–7772–5]

Pesticide Product; Registration Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications to register the pesticide products, Avachem Sorbitol Manufacturing Use Product; Avachem Sorbitol Octanoate 90.0%; LockDown*retro*, containing active ingredients not included in any currently registered product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT:

The Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), listed in the following table:

File Symbol	Regulatory Action Leader	Mailing Address, Telephone number and E-mail Address
70950–3; 70950–4	Denise Greenway	1200 Pennsylvania Avenue, NW, Washington DC 20460–0001 703–308–8263 Greenway.denise@epa.gov
82681–1	Phil Hutton	1200 Pennsylvania Avenue, NW, Washington DC 20460–0001 703–308–8260 Hutton.phil@epa.gov

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under Docket identification number (ID) EPA–HQ–OPP–2006–0194; FRL–7772–5. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are also available for public inspection. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. The request should: Identify the product name and registration number and specify the data or information desired.

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. Did EPA Approve the Application?

The Agency approved the applications after considering all required data on risks associated with the proposed uses of *Colletotrichum gloeosporioides* f.sp. *aeschynomene*, and Sorbitol Octanoate, and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that *Colletotrichum gloeosporioides* f.sp. *aeschynomene*, and Sorbitol Octanoate, when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.

III. Approved Applications

1. EPA issued a notice, published in the **Federal Register** of September 29, 2004 (69 FR 58164) (FRL–7679–2), which announced that AVA Chemical Ventures, L.L.C., 80 Rochester Avenue, Suite 214, Portsmouth, NH 03801, had submitted an application to register the pesticide product, Avachem Sorbitol Octanoate Manufacturing Use Product, an insecticide (EPA File Symbol 70950–U), containing sorbitol octanoate at 90.35%. This product was not previously registered.

The application was approved on January 17, 2006, as Avachem Sorbitol Octanoate Manufacturing Use Product (EPA Registration Number 70950–4) for manufacturing use. Note that the active ingredient concentration was slightly reduced and represents 90.0% of the registered product.

In the same notice, EPA announced that AVA Chemical Ventures, L.L.C., 80 Rochester Avenue, Suite 214, Portsmouth, NH 03801, had submitted an application to register the pesticide product, Avachem Sorbitol Octanoate 90.0%, insecticide (EPA File Symbol 70950–G), containing sorbitol octanoate at 90.0%. This product was not previously registered.

The application was approved on January 17, 2006, as Avachem Sorbitol Octanoate 90.0% (EPA Registration Number 70950–3) for insecticidal use.

2. EPA issued another notice, published in the **Federal Register** of March 8, 2006), (71 FR 11621) (FRL–7765–2), which announced that Agricultural Research Initiatives, Inc, 700 Research Center Blvd, Fayetteville, AR 72701, had submitted an application to register the pesticide product, LockDown *retro*, a herbicide. (EPA File Symbol 82681–R), containing *Colletotrichum gloeosporioides* f.sp. *aeschynomene* and fermentation medium at 45%. This product was not previously registered.

The application was approved on March 28, 2006, as LockDown *retro* (EPA Registration Number 82681–1) for herbicidal use.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

April 6, 2006.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of PesticidePrograms.

[FR Doc. E6–5573 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP–2006–0076; FRL–8063–4]

Notice of Filing of a Pesticide Petition for Establishment of an Exemption from the Requirement of a Tolerance for Residues of Penoxsulam in or on Fish and Shellfish

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of an exemption from the requirement of a tolerancefor residues of penoxsulam in or on fish and shellfish resulting from its use as an aquatic herbicide.

DATES: Comments must be received on or before May 15, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP–2006–0076 and pesticide petition number (PP) 5F7012, by one of the following methods:

• *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA-HQ-OPP–2006–0076. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP–2006–0076. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going at regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the regulation.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Docket Facility is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT:

Philip Errico, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; phone number: 703–305–6663; e-mail address: *errico.philip@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner is available on EPA's Electronic Docket at *http://www.regulations.gov*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Exemption from Tolerance

PP 5F7012. Dow AgroSciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268, proposes to establish an exemption from the requirement of a tolerance for residues of the herbicide penoxsulam, in or on fish and shellfish, resulting from the use of penoxsulam as an aquatic herbicide. Because this petition is a request for an exemption from the requirement of a tolerance without numerical limitations, no analytical method is required.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 4, 2006.

Meredith F. Laws,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–5507 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0545; FRL–7771–7]

Notice of Filing of a Pesticide Petition for Establishment of Regulations for the Combined Residues of Lambda-Cyhalothrin and Its Epimer in or on Various Food Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of a regulation for residues of lambda-cyhalothrin, (S)-alpha-cyano-3-phenoxybenzyl-(Z)-(1R,3R)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-alpha-cyano-3-phenoxybenzyl-(Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and the epimer of lambda-cyhalothrin, (S)-alpha-cyano-3-phenoxybenzyl-(Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-alpha-cyano-3-phenoxybenzyl-(Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate in or on various food commodities.

DATES: Comments must be received on or before May 15, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2005–0545 and pesticide petition number (PP) 5F6994, by one of the following methods:

- *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.
- *Mail*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery*: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA–HQ–OPP–2005–0545. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305–5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID numberEPA–HQ–OPP–2005–0545. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The www.regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm/*.

Docket. All documents in the docket are listed in the regulation.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Bonaventure Akinlosotu, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–0653; e-mail address: *akinlosotu.bonaventure@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI

must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of the pesticide lambda-cyhalothrin and its epimer in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov/*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type ''EPA–HQ–OPP–2005–0545.'' Once the search has located the docket, clicking on the docket ID number will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Tolerance

PP 5F6994. Syngenta Crop Protection, Inc., 410 Swing Road, Greensboro, NC 27409; and the Interregional Project No. 4 (IR-4), 681 U.S. Highway #1 South, North Brunswick, NJ 08902–3390, proposes to establish tolerances, for the combined residues of the insecticide lambda-cyhalothrin, (S)-alpha-cyano-3-phenoxybenzyl-(Z)-(1R,3R)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-alpha-cyano-3-phenoxybenzyl-(Z)-(1S, 3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and the epimer of lambda-cyhalothrin, (S)-alpha-cyano-3-phenoxybenzyl- (Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-alpha-cyano-3-phenoxybenzyl-(Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate in or on food commodity crop groupings: Cucurbit vegetables (Crop Group 9) at 0.05 parts per million (ppm); grass, forage, fodder, hay (Crop Group 17) at 9.0 ppm; tuberous and corm vegetables (Crop Subgroup 1-C) at 0.01 ppm; barley, buckwheat, oat, rye, grain at 0.05 ppm; barley, bran at 0.2 ppm; oat, rye, forage at 2.0 ppm; barley, oat, hay at 2.0 ppm; barley, oat, rye, straw at 2.0 ppm; and wild rice, grain at 1.0 ppm. An adequate analytical method, gas liquid chromatography (GLC) with an electron capture detector (ECD), is available for enforcement purposes.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 6, 2006.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–5506 Filed 4–13–06; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL ELECTION COMMISSION

[Notice 2006–9]

Filing Dates for the New Jersey Special Election in the 13th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: New Jersey has scheduled special elections to fill the U.S. House of Representatives seat in the Thirteenth Congressional District vacated by Senator Robert Menendez.

Committees required to file reports in connection with the Special Primary Election on June 6, 2006, shall file a 12-day Pre-Primary Report. Committees required to file reports in connection with both the Special Primary and Special General Election on November 7, 2006, shall file a 12-day Pre-Primary Report, a 12-day Pre-General Report, and a 30-day Post-General Report.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin R. Salley, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the New Jersey Special Primary and Special General Elections shall file a 12-day Pre-Primary Report on May 25, 2006; a 12-day Pre-General Report on October 26, 2006; and a 30-day Post-General Report on December 7, 2006. (See chart below for the closing date for each report.)

All principal campaign committees of candidates *only* participating in the Special Primary Election shall file a 12-day Pre-Primary Report on May 25, 2006. (See chart below for the closing date for each report.)

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a quarterly basis in 2006 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the New Jersey Special Primary or Special General Elections by the close of books for the applicable report(s). (See chart below for the closing date for each report).

Committees filing monthly that support candidates in the New Jersey Special Primary or Special General Election should continue to file according to the monthly reporting schedule.

Disclosure of Electioneering Communications (Individuals and Other Unregistered Organizations)

As required by the Bipartisan Campaign Reform Act of 2002, the Federal Election Commission promulgated new electioneering communications rules governing television and radio communications that refer to a clearly identified federal candidate and are distributed within 30 days prior to a special primary election or 60 days prior to a special general election. 11 CFR 100.29. The statute and regulations require, among other things, that individuals and other groups not registered with the FEC who make electioneering communications costing more than $10,000 in the aggregate in a calendar year disclose that activity to the Commission within 24 hours of the distribution of the communication. See 11 CFR 104.20.

The 30-day electioneering communications period in connection with the New Jersey Special Primary runs from May 7, 2006 through June 6, 2006. The 60-day electioneering communications period in connection with the New Jersey Special General runs from September 8, 2006 through November 7, 2006.

CALENDAR OF REPORTING DATES FOR NEW JERSEY SPECIAL ELECTIONS

Report	Close of books [1]	Reg./Cert. & overnight mailing date	Filing date
For Committees Involved in the Special Primary (06/06/06)			
Pre-Primary	05/17/06	05/22/06	05/25/06
July Quarterly	06/30/06	07/15/06	[2] 07/15/06
Report	Repoting period [1]	Reg./Cert. & overnight mailing date	Filing date
For Committees Involved in the Special Primary (06/06/06) and Special General (11/07/06)			
Pre-Primary	05/17/06	05/22/06	05/25/06
July Quarterly	06/30/06	07/15/06	[2] 07/15/06
October Quarterly	09/30/06	10/15/06	[2] 10/15/06
Pre-General	10/18/06	10/23/06	10/26/06
Post-General	11/27/06	12/07/06	12/07/06
Year-End	12/31/06	01/31/07	01/31/07

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
[2] Notice that this deadline falls on a holiday or a weekend. Filing dates are not extended when they fall on nonworking days.

Dated: April 6, 2006.

Michael E. Toner,

Chairman, Federal Election Commission.

[FR Doc. E6–5547 Filed 4–13–06; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE BOARD

[No. 2006–N–02]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2006–07 first quarter review cycle under the Finance Board's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for this review cycle must submit completed Community Support Statements to the Finance Board on or before June 2, 2006.

ADDRESSES: Bank members selected for this review cycle must submit completed Community Support Statements to the Finance Board either by regular mail to the Federal Housing Finance Board, Office of Supervision, Community Investment and Affordable Housing, 1625 Eye Street, NW., Washington, DC 20006, or by electronic mail to *fitzgeralde@fhfb.gov*.

FOR FURTHER INFORMATION CONTACT: Emma J. Fitzgerald, Program Analyst, Office of Supervision, Community Investment and Affordable Housing, by telephone at 202–408–2874, by electronic mail at *fitzgeralde@fhfb.gov*, or by regular mail at the Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. See 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. See 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. See 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for

community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the June 2, 2006 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before April 28, 2006, each Bank will notify the members in its district that have been selected for this review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's Web site: *http://www.fhfb.gov*. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2006–07 first quarter community support review cycle:

Federal Home Loan Bank of Boston—District 1

Valley Bank	Bristol	Connecticut
Litchfield Bancorp	Litchfield	Connecticut
The Milford Bank	Milford	Connecticut
NewMil Bank	New Milford	Connecticut
Prime Bank	Orange	Connecticut
National Iron Bank	Salisbury	Connecticut
The First National Bank of Suffield	Suffield	Connecticut
Savings Institute	Willimantic	Connecticut
Mechanics Savings Bank	Auburn	Maine
Pepperell Bank & Trust	Biddeford	Maine
Oxford Federal Credit Union	Mexico	Maine
Adams Co-Operative Bank	Adams	Massachusetts
Beverly Cooperative Bank	Beverly	Massachusetts
Wainwright Bank & Trust Company	Boston	Massachusetts
Brookline Cooperative Bank	Brookline	Massachusetts
Chelsea-Provident Co-operative Bank	Chelsea	Massachusetts
East Bridgewater Savings Bank	East Bridgewater	Massachusetts
Fall River Five Cents Savings Bank	Fall River	Massachusetts
Cape Cod Five Cents Savings Bank	Harwich Port	Massachusetts
The First National Bank of Ipswich	Ipswich	Massachusetts
Marlborough Co-Operative Bank	Marlborough	Massachusetts
Century Bank & Trust Company	Medford	Massachusetts
The Needham Co-Operative Bank	Needham	Massachusetts
Hoosac Bank	North Adams	Massachusetts
North Brookfield Savings Bank	North Brookfield	Massachusetts
Bank of Easton	North Easton	Massachusetts
East Boston Savings Bank	Peabody	Massachusetts
Rockland Trust Company	Rockland	Massachusetts
WestBank	West Springfield	Massachusetts
UniBank For Savings	Whitinsville	Massachusetts
Williamstown Savings Bank	Williamstown	Massachusetts
St. Mary's Bank Credit Union	Manchester	New Hampshire
Community Guaranty Savings Bank	Plymouth	New Hampshire
Community Bank & Trust Company	Wolfeboro	New Hampshire
Coventry Credit Union	Coventry	Rhode Island
Domestic Bank	Cranston	Rhode Island
Union Federal Savings Bank	North Providence	Rhode Island
Bank Rhode Island	Providence	Rhode Island
Ocean Bank, FSB	Warwick	Rhode Island

Federal Home Loan Bank of New York—District 2

Yardville National Bank	Hamilton Turnpike	New Jersey
The Provident Bank	Jersey City	New Jersey
Morgan Stanley Trust	Jersey City	New Jersey
Atlantic Stewardship Bank	Midland Park	New Jersey
First Morris Bank and Trust	Morristown	New Jersey
City National Bank of New Jersey	Newark	New Jersey
Mon-Oc Federal Credit Union	Toms River	New Jersey
First Washington State Bank	Windsor	New Jersey
The Bank	Woodbury	New Jersey
The Canandaigua NB&T Company	Canandaigua	New York
Chemung Canal Trust Company	Elmira	New York
National Bank of New York City	Flushing	New York
New York Commercial Bank	Islandia	New York
New York Community Bank	Jericho	New York
Rondout Savings Bank	Kingston	New York
First Niagara	Lockport	New York
State Bank of Long Island	New Hyde Park	New York
Country Bank	New York	New York

Eastbank, N.A.	New York	New York
PathFinder Bank	Oswego	New York
Rhinebeck Savings Bank	Poughkeepsie	New York
ESL Federal Credit Union	Rochester	New York
Tioga State Bank	Spencer	New York
Tupper Lake National Bank	Tupper Lake	New York
Banco Santander Puerto Rico	San Juan	Puerto Rico

Federal Home Loan Bank of Pittsburgh—District 3

County Bank	Rehoboth Beach	Delaware
Chelten Hills Savings Bank	Abington	Pennsylvania
Kishacoquillas Valley National Bank	Belleville	Pennsylvania
County National Bank	Clearfield	Pennsylvania
Citizens Trust Company	Coudersport	Pennsylvania
Farmers National Bank of Emlenton	Emlenton	Pennsylvania
Harleysville Savings Bank	Harleysville	Pennsylvania
First National Bank of Pennsylvania	Hermitage	Pennsylvania
Wayne Bank	Honesdale	Pennsylvania
The Honesdale National Bank	Honesdale	Pennsylvania
AmeriServe Financial Bank	Johnstown	Pennsylvania
Lebanon Valley Farmers Bank	Lebanon	Pennsylvania
Luzerne National Bank	Luzerne	Pennsylvania
Marion Center National Bank	Marion Center	Pennsylvania
Old Forge Bank	Old Forge	Pennsylvania
First National Bank of Port Allegany	Port Allegany	Pennsylvania
Community First Bank, N.A.	Reynoldsville	Pennsylvania
Farmers Building & Savings Bank	Rochester	Pennsylvania
Eagle National Bank	Upper Darby	Pennsylvania
Mountain Valley Bank, N.A.	Elkins	West Virginia
Calhoun County Bank, Inc.	Grantsville	West Virginia
Harrison County Bank	Lost Creek	West Virginia
Union Bank, Inc.	Middlebourne	West Virginia
The Grant County Bank	Petersburg	West Virginia
Citizens First Bank, Inc.	Ravenswood	West Virginia
First National Bank of St. Mary's	St. Marys	West Virginia

Federal Home Loan Bank of Atlanta—District 4

Capital Bank	Birmingham	Alabama
Peoples Bank of Greensboro	Greensboro	Alabama
Vision Bank	Gulf Shores	Alabama
Cheaha Bank	Oxford	Alabama
The Commercial Bank of Ozark	Ozark	Alabama
Metro Bank	Pell City	Alabama
CB&T Bank of East Alabama	Phenix City	Alabama
Alabama Trust Bank, N.A.	Sylacauga	Alabama
Bay Bank	Theodore	Alabama
The Bank of Tuscaloosa	Tuscaloosa	Alabama
The Farmers & Merchants Bank	Waterloo	Alabama
The Citizens Bank of Winfield	Winfield	Alabama
Adams National Bank	Washington	D.C.
1st National Bank & Trust	Bradenton	Florida
The Hernando County Bank	Brooksville	Florida
Drummond Community Bank	Chiefland	Florida
The International Bank of Miami, N.A.	Coral Gables	Florida
Crystal River Bank	Crystal River	Florida
First National Bank of Pasco	Dade City	Florida
1st National Bank of South Florida	Homestead	Florida
Community Bank of Florida, Inc.	Homestead	Florida
Marine Bank of the Florida Keys	Marathon	Florida
Security Bank, N.A.	Margate	Florida
Fidelity Bank of Florida	Merritt Island	Florida
Coconut Grove Bank	Miami	Florida
Peoples National Bank	Niceville	Florida
Independent National Bank	Ocala	Florida
Enterprise National Bank of Florida	Palm Beach Gardens	Florida
First State Bank	Sarasota	Florida
Prosperity Bank of St. Augustine	St. Augustine	Florida
Bankers Insurance Company	St. Petersburg	Florida
Premier Bank	Tallahassee	Florida
Ameris	Trenton	Florida
First National Bank of Wauchula	Wauchula	Florida
BankFirst	Winter Park	Florida
Alma Exchange Bank and Trust	Alma	Georgia
FNB South	Alma	Georgia

NetBank	Alpharetta	Georgia
Citizens Bank of Americus	Americus	Georgia
AFB & T	Athens	Georgia
Fidelity Bank	Atlanta	Georgia
Omni National Bank	Atlanta	Georgia
The Bankers Bank	Atlanta	Georgia
Ameris	Cairo	Georgia
Georgia Bank and Trust	Calhoun	Georgia
Rabun County Bank	Clayton	Georgia
nbank	Commerce	Georgia
Community Bank and Trust	Cornelia	Georgia
Bank of Dudley	Dudley	Georgia
Citizens Bank and Trust Company	Eastman	Georgia
First National Bank of Griffin	Griffin	Georgia
McIntosh State Bank	Jackson	Georgia
Queensboro National Bank & Trust	Louisville	Georgia
Bank of Madison	Madison	Georgia
Exchange Bank	Milledgeville	Georgia
Bank of Monticello	Monticello	Georgia
Ameris	Moultrie	Georgia
The Tattnall Bank	Reidsville	Georgia
Bryan Bank and Trust	Richmond Hill	Georgia
Northwest Georgia Bank	Ringgold	Georgia
Rossville Bank	Rossville	Georgia
West Central Georgia Bank	Thomaston	Georgia
First Cherokee State Bank	Woodstock	Georgia
Carrollton Bank	Baltimore	Maryland
Mercantile County Bank	Elkton	Maryland
Frederick County Bank	Frederick	Maryland
Glen Burnie Mutual Savings Bank	Glen Burnie	Maryland
Hebron Savings Bank	Hebron	Maryland
First Financial of Maryland FCU	Lutherville	Maryland
Bay National Bank	Lutherville	Maryland
Regal Bank & Trust	Owings Mills	Maryland
The Queenstown Bank of Maryland	Queenstown	Maryland
Blue Ridge Savings Bank, Inc.	Asheville	North Carolina
Cardinal State Bank	Durham	North Carolina
Yadkin Valley Bank and Trust Company	Elkin North	Carolina
The Fidelity Bank	Fuquay-Varina	North Carolina
Bank of Granite	Granite Falls	North Carolina
Sound Banking Company	Morehead City	North Carolina
Morganton Federal Savings & Loan Association	Morganton	North Carolina
Peoples Bank	Newton	North Carolina
FNB Southeast	Reidsville	North Carolina
First Carolina State Bank	Rocky Mount	North Carolina
Wake Forest Federal S&L Association	Wake Forest	North Carolina
Islands Community Bank, NA	Beaufort	South Carolina
First Federal Savings and Loan Association	Charleston	South Carolina
Crescent Bank	Charleston	South Carolina
Greenville First Bank, N.A.	Greenville	South Carolina
Horry County State Bank	Loris	South Carolina
Orangeburg National Bank	Orangeburg	South Carolina
Virginia National Bank	Charlottesville	Virginia
Bank of Hampton Roads	Chesapeake	Virginia
First National Bank	Christiansburg	Virginia
The Old Point National Bank of Phoebus	Hampton	Virginia
The Grayson National Bank	Independence	Virginia
Chesapeake Bank	Kilmarnock	Virginia
1st Service Bank	McLean	Virginia
Village Bank	Midlothian	Virginia
Newport News Shipbuilding Employees Credit Union, Inc.	Newport News	Virginia
Central Virginia Bank	Powhaton	Virginia
The Bank of Richmond, NA	Richmond	Virginia
Citizens and Farmers Bank	West Point	Virginia

Federal Home Loan Bank of Cincinnati—District 5

Citizens Deposit Bank of Arlington, Inc.	Arlington	Kentucky
Peoples B&T Company of Madison County	Berea	Kentucky
Deposit Bank of Carlisle	Carlisle	Kentucky
King Southern Bank	Chaplin	Kentucky
Tri-County National Bank	Corbin	Kentucky
The Farmers National Bank of Danville	Danville	Kentucky
Dixon Bank	Dixon	Kentucky
First Citizens Bank	Elizabethtown	Kentucky
Farmers Bank & Capital Trust Company, Inc.	Frankfort	Kentucky

Franklin Bank & Trust Company	Franklin	Kentucky
The Farmers Bank and Trust Company	Georgetown	Kentucky
Henderson National Bank	Henderson	Kentucky
United Southern Bank	Hopkinsville	Kentucky
Kentucky Banking Centers	Horse Cave	Kentucky
Republic Bank and Trust Company	Louisville	Kentucky
The First National Bank of Mayfield	Mayfield	Kentucky
Jackson County Bank	McKee	Kentucky
The Farmers Bank of Milton	Milton	Kentucky
Citizens Bank	Mt. Vernon	Kentucky
Peoples Bank & Trust Company	Owenton	Kentucky
Springfield State Bank	Springfield	Kentucky
South Central Bank	Tompkinsville	Kentucky
Citizens Deposit Bank & Trust	Vanceburg	Kentucky
The Apple Creek Banking Company	Apple Creek	Ohio
The First National Bank of Bellevue	Bellevue	Ohio
The Community Bank	Crooksville	Ohio
First Federal Community Bank	Dover	Ohio
Dover-Phila Federal Credit Union	Dover	Ohio
1st National Community Bank East	Liverpool	Ohio
The Peoples Bank Inc.	Gambier	Ohio
The Genoa Banking Company	Genoa	Ohio
Oak Hill Banks	Jackson	Ohio
The Richland Trust Company	Mansfield	Ohio
The Metamora State Bank	Metamora	Ohio
Consumers National Bank	Minerva	Ohio
The Henry County Bank	Napoleon	Ohio
Home FS&LA of Niles	Niles	Ohio
The Osgood State Bank	Osgood	Ohio
The Ottoville Bank Company	Ottoville	Ohio
Somerville National Bank	Somerville	Ohio
Cornerstone Bank	Springfield	Ohio
Champaign National Bank	Urbana	Ohio
Bank of Cleveland	Cleveland	Tennessee
Citizens Tri-County Bank	Dunlap	Tennessee
Citizens Bank	Elizabethton	Tennessee
Erwin National Bank	Erwin	Tennessee
Andrew Johnson Bank	Greeneville	Tennessee
Capital Bank & Trust Company	Nashville	Tennessee
The Bank of Nashville	Nashville	Tennessee
The Oakland Deposit Bank	Oakland	Tennessee
Farmers Bank	Parsons	Tennessee
First National Bank of Pulaski	Pulaski	Tennessee
First Century Bank	Tazewell	Tennessee

Federal Home Loan Bank of Indianapolis—District 6

Community State Bank	Avilla	Indiana
Bath State Bank	Bath	Indiana
First Bank of Berne	Berne	Indiana
Monroe Bank	Bloomington	Indiana
Farmers and Merchants Bank	Boswell	Indiana
Farmer State Bank	Brookston	Indiana
Irwin Union Bank and Trust Company	Columbus	Indiana
Fountain Trust Company	Covington	Indiana
DeMotte State Bank	DeMotte	Indiana
Peoples State Bank	Ellettsville	Indiana
Integra Bank	Evansville	Indiana
Bank of Geneva	Geneva	Indiana
MainSource Bank	Greensburg	Indiana
Mercantile National Bank of Indiana	Hammond	Indiana
Bippus State Bank	Huntington	Indiana
National City Bank of Indiana	Indianapolis	Indiana
Salin Bank & Trust Company	Indianapolis	Indiana
National Bank of Indianapolis	Indianapolis	Indiana
Kentland Bank	Kentland	Indiana
Farmers State Bank	Lanesville	Indiana
First National Bank	Portland	Indiana
Morris Plan Company	Terre Haute	Indiana
Lake City Bank	Warsaw	Indiana
Alden State Bank	Alden	Michigan
Midwest Financial Credit Union	Ann Arbor	Michigan
OSB Community Bank	Brooklyn	Michigan
Home Federal Savings Bank	Detroit	Michigan
First National Bank of America	East Lansing	Michigan
Michigan Heritage Bank	Farmington Hills	Michigan

The State Bank of Fenton	Fenton	Michigan
Dort Federal Credit Union	Flint	Michigan
First Bank, Upper Michigan	Gladstone	Michigan
United Bank of Michigan	Grand Rapids	Michigan
Lansing Automakers Federal Credit Union	Lansing	Michigan
Farmers State Bank of Munith	Munith	Michigan
Royal Oakland Community Credit Union	Royal Oak	Michigan

Federal Home Loan Bank of Chicago—District 7

Anchor State Bank	Anchor	Illinois
State Bank of Auburn	Auburn	Illinois
First State Bank of Beardstown	Beardstown	Illinois
Germantown Trust and Savings Bank	Breese	Illinois
The Bank of Carbondale	Carbondale	Illinois
Highland Community Bank	Chicago	Illinois
Home State Bank/National Association	Crystal Lake	Illinois
Farmers State Bank of Danforth	Danforth	Illinois
Durand State Bank	Durand	Illinois
Banterra Bank	Eldorado	Illinois
First Community Bank	Elgin	Illinois
First Eagle National Bank	Hanover Park	Illinois
Bank of Calhoun County	Hardin	Illinois
Standard Bank and Trust Company	Hickory Hills	Illinois
The First National Bank of Lacon	Lacon	Illinois
The Farmers Bank of Liberty	Liberty	Illinois
Maroa Forsyth Community Bank	Maroa	Illinois
Okaw Building and Loan, s.b.	Mattoon	Illinois
First Mid-Illinois Bank & Trust	Mattoon	Illinois
First State Bank	Mendota	Illinois
Citizens State Bank of Milford	Milford	Illinois
BankOrion	Orion	Illinois
South Side Trust & Savings Bank of Peoria	Peoria	Illinois
Bank of Pontiac	Pontiac	Illinois
Princeville State Bank	Princeville	Illinois
The Farmers National Bank of Prophetstown	Prophetstown	Illinois
Marion County Savings Bank	Salem	Illinois
Bank of Springfield	Springfield	Illinois
First Community State Bank	Staunton	Illinois
First National Bank in Taylorville	Taylorville	Illinois
First National Bank of Waterloo	Waterloo	Illinois
Williamsville State Bank & Trust	Williamsville	Illinois
Hinsbrook Bank and Trust	Willowbrook	Illinois
Citizens Community Federal Credit Union	Altoona	Wisconsin
The Baraboo National Bank	Baraboo	Wisconsin
Union Bank of Blair	Blair	Wisconsin
Great Midwest Bank, S.S.B.	Brookfield	Wisconsin
Bank North	Crivitz	Wisconsin
First National Bank of Eagle River	Eagle River	Wisconsin
Royal Bank	Elroy	Wisconsin
Oak Bank	Fitchburg	Wisconsin
State Bank of Florence	Florence	Wisconsin
Bank of Galesville	Galesville	Wisconsin
First National Bank of Hartford	Hartford	Wisconsin
Bank of Kenosha	Kenosha	Wisconsin
Coulee State Bank	LaCrosse	Wisconsin
Citizens State Bank of Loyal	Loyal	Wisconsin
Bank of Luxemburg	Luxemburg	Wisconsin
First Business Bank	Madison	Wisconsin
Premier Community Bank	Marion	Wisconsin
Columbia Savings and Loan Association	Milwaukee	Wisconsin
Citizens Bank of Mukwonago	Mukwonago	Wisconsin
First State Bank	New London	Wisconsin
S & C Bank	New Richmond	Wisconsin
First Bank Financial Centre	Oconomowoc	Wisconsin
Farmers State Bank	Ridgeland	Wisconsin
River Valley State Bank	Rothschild	Wisconsin
River Bank	Stoddard	Wisconsin
Community Bank	Superior	Wisconsin
First National Bank of Viroqua	Viroqua	Wisconsin
Waldo State Bank	Waldo	Wisconsin
Farmers & Merchants State Bank	Waterloo	Wisconsin
InvestorsBank	Waukesha	Wisconsin
Waukesha State Bank	Waukesha	Wisconsin
Marathon Savings Bank	Wausau	Wisconsin
John O. Melby & Company Bank	Whitehall	Wisconsin

Chippewa Valley Bank	Winter	Wisconsin
Woodford State Bank	Woodford	Wisconsin

Federal Home Loan Bank of Des Moines—District 8

City State Bank	Central City	Iowa
Midwest Heritage Bank	Chariton	Iowa
Great River Bank & Trust	Davenport	Iowa
Iowa State Bank	Des Moines	Iowa
Peoples Savings Bank	Elma	Iowa
Lee County Bank & Trust, N.A.	Fort Madison	Iowa
Grinnell State Bank	Grinnell	Iowa
Security State Bank	Independence	Iowa
Community First Bank	Keosauqua	Iowa
Citizens State Bank	Monticello	Iowa
Pleasantville State Bank	Pleasantville	Iowa
First Federal Bank	Sioux City	Iowa
Northeast Security Bank	Sumner	Iowa
Farmers & Merchants Savings Bank	Waukon	Iowa
Earlham Savings Bank	West Des Moines	Iowa
First Trust and Savings Bank	Wheatland	Iowa
North American State Bank	Belgrade	Minnesota
Klein Bank	Big Lake	Minnesota
Bremer Bank	Brainerd	Minnesota
First Security Bank—Canby	Canby	Minnesota
Republic Bank, Inc.	Duluth	Minnesota
Bremer Bank, NA	International Falls	Minnesota
Security State Bank	Lewiston	Minnesota
Pine Country Bank	Little Falls	Minnesota
Minnwest Bank Luverne	Luverne	Minnesota
Security State Bank of Marine	Marine on St. Croix	Minnesota
Franklin National Bank of Minneapolis	Minneapolis	Minnesota
Northeast Bank	Minneapolis	Minnesota
First Minnetonka City Bank	Minnetonka	Minnesota
Minnwest Bank Central	Montevideo	Minnesota
Lake Region Bank	New London	Minnesota
United Community Bank	Perham	Minnesota
Farmers & Merchants State Bank	Pierz	Minnesota
Pine Island Bank	Pine Island	Minnesota
First National Bank and Trust	Pipestone	Minnesota
State Bank of Richmond	Richmond	Minnesota
Minnesota First Credit and Savings, Inc.	Rochester	Minnesota
Beacon Bank	Shorewood	Minnesota
Farmers & Merchants State Bank of Springfield	Springfield	Minnesota
Liberty Savings Bank, fsb	St. Cloud	Minnesota
Bremer Bank	St. Paul	Minnesota
Capital Bank	St. Paul	Minnesota
First Integrity Bank, National Association	Staples	Minnesota
Central Bank	Stillwater	Minnesota
Northern State Bank of Thief River Falls	Thief River Falls	Minnesota
Community Bank Vernon Center	Vernon Center	Minnesota
Paragon Bank	Wells	Minnesota
State Bank of Wheaton	Wheaton	Minnesota
Bremer Bank	Willmar	Minnesota
Winona National Bank	Winona	Minnesota
Bank of Advance	Advance	Missouri
Carroll County Savings and Loan Association	Carrollton	Missouri
Enterprise Bank & Trust	Clayton	Missouri
First Midwest Bank of Dexter	Dexter	Missouri
Farmers & Merchants Bank of Hale	Hale	Missouri
Farmers & Commercial Bank	Holden	Missouri
Midwest Independent Bank	Jefferson City	Missouri
The Exchange National Bank of Jefferson City	Jefferson City	Missouri
Union Bank	Kansas City	Missouri
Bank Midwest	Kansas City	Missouri
First Community Bank Lee's	Summit	Missouri
Alliant Bank	Madison	Missouri
Martinsburg Bank and Trust	Mexico	Missouri
Central Bank of Lake of the Ozarks	Osage Beach	Missouri
First Community Bank, Missouri	Poplar Bluff	Missouri
First Midwest Bank of Poplar Bluff	Poplar Bluff	Missouri
Bank of Rothville	Rothville	Missouri
Anheuser-Busch Employees' Credit Union	St. Louis	Missouri
Neighbors Credit Union	St. Louis	Missouri
Jefferson Bank and Trust Company	St. Louis	Missouri
Citizens National Bank of Greater St. Louis	St. Louis	Missouri

First Community National Bank	Steelville	Missouri
Bank of Sullivan	Sullivan	Missouri
Bank of Crocker	Waynesville	Missouri
West Plains Bank & Trust Company	West Plains	Missouri
Bank of Weston	Weston	Missouri
Bank Center First	Bismarck	North Dakota
Bank of North Dakota	Bismarck	North Dakota
Country Bank, USA	Cando	North Dakota
Choice Financial	Grafton	North Dakota
Security First Bank of North Dakota	New Salem	North Dakota
American State Bank and Trust	Williston	North Dakota
First National Bank	Pierre	South Dakota
The First National Bank in Sioux Falls	Sioux Falls	South Dakota

Federal Home Loan Bank of Dallas—District 9

The Union Bank of Benton	Benton	Arkansas
First National Bank of Berryville	Berryville	Arkansas
First National Bank of Izard County	Calico Rock	Arkansas
First Security Bank of Conway	Conway	Arkansas
First National Bank of De Queen	De Queen	Arkansas
First National Bank of DeWitt	DeWitt	Arkansas
Bank of England	England	Arkansas
First National Bank	Green Forest	Arkansas
Helena National Bank	Helena	Arkansas
Commercial Bank and Trust	Monticello	Arkansas
First National Bank & Trust Compny	Mountain Home	Arkansas
Chart Bank	Perryville	Arkansas
Simmons First National Bank	Pine Bluff	Arkansas
Bank of Prescott	Prescott	Arkansas
Riverside Bank	Sparkman	Arkansas
First National Bank	Arcadia	Louisiana
Citizens National Bank, N.A.	Bossier City	Louisiana
Parish National Bank	Covington	Louisiana
Guaranty Bank & Trust Company of Delhi	Delhi	Louisiana
Catahoula—LaSalle Bank	Jonesville	Louisiana
Progressive National Bank of DeSoto Parish	Mansfield	Louisiana
Bank of Maringuoin	Maringuoin	Louisiana
Whitney National Bank	New Orleans	Louisiana
Hibernia National Bank	New Orleans	Louisiana
Guaranty Bank and Trust Company	New Roads	Louisiana
Tensas State Bank	Newellton	Louisiana
Patterson State Bank	Patterson	Louisiana
Iberville Bank	Plaquemine	Louisiana
Rayne State Bank & Trust Company	Rayne	Louisiana
Teche Bank & Trust Company	St. Martinville	Louisiana
Bank of Sunset and Trust Company	Sunset	Louisiana
Washington State Bank	Washington	Louisiana
Community Bank, Coast	Biloxi	Mississippi
Citizens Bank	Columbia	Mississippi
The Jefferson Bank	Fayette	Mississippi
First Commercial Bank	Jackson	Mississippi
Bank of Kilmichael	Kilmichael	Mississippi
Peoples Bank	Mendenhall	Mississippi
Bank of Morton	Morton	Mississippi
Merchants and Planters Bank	Raymond	Mississippi
Richton Bank & Trust Company	Richton	Mississippi
Delta Southern Bank	Ruleville	Mississippi
First State Bank	Waynesboro	Mississippi
First National Bank of Wiggins	Wiggins	Mississippi
High Desert State Bank	Albuquerque	New Mexico
Sunrise Bank of Albuquerque	Albuquerque	New Mexico
MainBank	Albuquerque	New Mexico
Farmers & Stockmens Bank	Clayton	New Mexico
Valley National Bank	Espanola	New Mexico
Lea County State Bank	Hobbs	New Mexico
Bank of the Rio Grande, N.A.	Las Cruces	New Mexico
Mesilla Valley Bank	Las Cruces	New Mexico
Bank of the Southwest	Roswell	New Mexico
City Bank New Mexico	Ruidoso	New Mexico
Alamo Bank of Texas	Alamo	Texas
Bank of Texas	Austin	Texas
The First National Bank of Bryan	Bryan	Texas
First Bank and Trust of Childress	Childress	Texas
Southwest Bank of Fort Worth	Fort Worth	Texas
HomeTown Bank, N.A.	Galveston	Texas

Gruver State Bank	Gruver	Texas
Hull State Bank	Hull	Texas
Industry State Bank	Industry	Texas
The First National Bank of Refugio	Refugio	Texas

Federal Home Loan Bank of Topeka—District 10

Cheyenne Mountain Bank	Colorado Springs	Colorado
Colorado National Bank	Colorado Springs	Colorado
FirstBank of Denver	Denver	Colorado
FirstBank of Cherry Creek	Denver	Colorado
FirstBank of Colorado, Lakewood	Lakewood	Colorado
FirstBank of South Jeffco	Littleton	Colorado
Labette Bank	Altamont	Kansas
Union State Bank	Arkansas City	Kansas
Baxter State Bank	Baxter Springs	Kansas
Verus Bank, NA	Derby	Kansas
Fidelity State Bank and Trust Company	Dodge City	Kansas
Pony Express Community Bank	Elwood	Kansas
Citizens State Bank	Gridley	Kansas
The First National Bank of Hutchinson, Kansas	Hutchinson	Kansas
Brotherhood Bank & Trust Company	Kansas City	Kansas
Landmark National Bank	Manhattan	Kansas
Peoples Bank & Trust Company	McPherson	Kansas
First Neodesha Bank	Neodesha	Kansas
Hillcrest Bank	Overland Park	Kansas
Grant County Bank	Ulysses	Kansas
Union State Bank	Uniontown	Kansas
Emprise Bank	Wichita	Kansas
CornerBank, N.A.	Winfield	Kansas
Battle Creek State Bank	Battle Creek	Nebraska
First National Bank	Beemer	Nebraska
Columbus Bank and Trust Company	Columbus	Nebraska
Fremont National Bank & Trust Company	Fremont	Nebraska
Fullerton National Bank	Fullerton	Nebraska
Thayer County Bank	Hebron	Nebraska
Union Bank & Trust Company	Lincoln	Nebraska
McCook National Bank	McCook	Nebraska
Adams Bank & Trust	Ogallala	Nebraska
Omaha State Bank	Omaha	Nebraska
Mutual First Federal Credit Union	Omaha	Nebraska
Metro Health Services Federal Credit Union	Omaha	Nebraska
First Westroads Bank, Inc.	Omaha	Nebraska
First National Bank in Ord	Ord	Nebraska
First National Bank	Schuyler	Nebraska
The Stanton National Bank	Stanton	Nebraska
Farmers & Merchants State Bank	Wayne	Nebraska
Home National Bank	Blackwell	Oklahoma
First United Bank and Trust Company	Durant	Oklahoma
First Commercial Bank	Edmond	Oklahoma
Central National Bank and Trust Company	Enid	Oklahoma
The Farmers and Merchants NB of Fairview	Fairview	Oklahoma
Security First National Bank	Hugo	Oklahoma
First Fidelity Bank, NA	Oklahoma City	Oklahoma
Pauls Valley National Bank	Pauls Valley	Oklahoma
Pioneer Bank and Trust	Ponca City	Oklahoma
First State Bank in Temple	Temple	Oklahoma
First Farmers National Bank of Waurika	Waurika	Oklahoma

Federal Home Loan Bank of San Francisco—District 11

Sunrise Bank of Arizona	Phoenix	Arizona
Desert Hills Bank	Phoenix	Arizona
Stearns Bank Arizona, NA	Scottsdale	Arizona
Auburn Community Bank	Auburn	California
First Bank of Beverly Hills	Calabasas	California
Evertrust Bank	City of Industry	California
Pacific Mercantile Bank	Costa Mesa	California
Stockmans Bank	Elk Grove	California
Southwest Community Bank	Encinitas	California
Foothill Independent Bank	Glendora	California
Imperial Capital Bank	La Jolla	California
Circle Bank	Novato	California
Summit Bank	Oakland	California
Addison Avenue Federal Credit Union	Palo Alto	California
Vineyard Bank	Rancho Cucamonga	California
The Mechanics Bank	Richmond	California

The Bank of Hemet	Riverside	California
Bank of Sacramento	Sacramento	California
1st Pacific Bank of California	San Diego	California
Trans Pacific National Bank	San Francisco	California
Mission Community Bank, N.A.	San Luis Obispo	California
Borel Private Bank & Trust Company	San Mateo	California
Montecito Bank & Trust	Santa Barbara	California
Central California Bank	Sonora	California
Community Bank of San Joaquin	Stockton	California
Mission Oaks National Bank	Temecula	California
Bank of the West	Walnut Creek	California
First Financial Credit Union	West Covina	California
BankWest of Nevada	Las Vegas	Nevada
Desert Community Bank	Las Vegas	Nevada
Nevada First Bank	Las Vegas	Nevada
Nevada State Bank	Las Vegas	Nevada
Nevada Security Bank	Reno	Nevada

Federal Home Loan Bank of Seattle—District 12

Hawaii USA Federal Credit Union	Honolulu	Hawaii
Bank of Hawaii	Honolulu	Hawaii
D.L. Evans Bank	Burley	Idaho
Citizens Bank and Trust Company	Big Timber	Montana
First Interstate Bank	Billings	Montana
Bank of Bridger	Bridger	Montana
Citizens State Bank	Choteau	Montana
State Bank & Trust Company	Dillon	Montana
First National Bank of Fairfield	Fairfield	Montana
Heritage Bank	Great Falls	Montana
First Citizens Bank	Polson	Montana
Ruby Valley National Bank	Twin Bridges	Montana
Bank of the Rockies	White Sulphur Springs	Montana
Whitefish Credit Union	Whitefish	Montana
OSU Federal Credit Union	Corvallis	Oregon
Mbank	Gresham	Oregon
Community Bank	Joseph	Oregon
Barnes Banking Company	Kaysville	Utah
Cache Valley Bank	Logan	Utah
First Utah Bank	Salt Lake City	Utah
Peoples Bank	Lynden	Washington
Inland Northwest Bank	Spokane	Washington
Sound Credit Union	Tacoma	Washington
IQ Credit Union	Vancouver	Washington
Shoshone First Bank	Cody	Wyoming

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before April 28, 2006, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2006–07 first quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2006–07 first quarter review cycle must be delivered to the Finance Board on or before the June 2, 2006 deadline for submission of Community Support Statements.

John P. Kennedy,

General Counsel.

[FR Doc. E6–5188 Filed 4–13–06; 8:45 am]

BILLING CODE 6725–01–P

GENERAL SERVICES ADMINISTRATION

National Travel Forum 2006: Where the Travel Stars Shine (NTF 2006)

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) is announcing that it will hold its fourth National Travel Forum. The National Travel Forum 2006: Where the Travel Stars Shine (NTF 2006) will take place June 26–29, 2006 at the Westin Bonaventure Hotel in Los Angeles, California. Nearly 1,500 travel, relocation, financial and other professionals within Federal, State, and local governments, as well as the private sector will attend. NTF 2006 is co-sponsored by the Interagency Travel Management Committee (ITMC) and the National Business Travel Association (NBTA). To register, exhibit, or hold an agency-wide meeting, visit the NTF 2006 Web site at *http://www.nationaltravelforum.org*.

FOR FURTHER INFORMATION CONTACT Michael Hopkins, Project Manager, Office of Travel, Transportation, and Asset Management, at (202) 208–4421, or by e-mail to *michael.hopkins@gsa.gov*.

Dated: April 10, 2006.

Michael Hopkins,

Office of Travel, Transportation, and Asset Management.

[FR Doc. E6–5544 Filed 4–13–06; 8:45 am]

BILLING CODE 6820–14–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry

The Program Peer Review Subcommittee of the Board of Scientific Counselors (BSC), Centers for Disease Control and Prevention (CDC), National Center for Environmental Health/ Agency for Toxic Substances and Disease Registry (NCEH/ATSDR): Teleconference.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC, NCEH/ATSCR announces the following subcommittee meeting:

Name: Program Peer Review Subcommittee (PPRS).

Time and Date: 10 a.m.–11 a.m. eastern daylight time, April 24, 2006.

Place: The teleconference will originate at NCEH/ATSDR in Atlanta, Georgia. To participate, dial 877/315–6535 and enter conference code 383520.

Purpose: Under the charge of the BSC, NCEH/ATSDR, the PPRS will provide the BSC, NCEH/ATSDR with advice and recommendations on NCEH/ATSDR program peer review. They will serve the function of organizing, facilitating, and providing a long-term perspective to the conduct of NCEH/ATSDR program peer review.

Matters to Be Discussed: Review of the Division of Toxicology and Environmental Medicine Program Peer Review Report.

Agenda items are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: This teleconference meeting is scheduled to begin at 10 a.m. eastern daylight time. To participate during the Public Comment period (10:45 a.m.–10:55 a.m. eastern daylight time), dial 877/315–6535 and enter conference code 383520.

Due to programmatic matters, this **Federal Register** Notice is being published on less than 15 calendar days notice to the public (41 CFR 102–3.150(b)).

Contact Person for More Information: Sandra Malcom, Committee Management Specialist, Office of Science, NCEH/ATSDR, M/S E–28, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/498–0622.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: April 11, 2006.

Diane C. Allen,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 06–3612 Filed 4–13–06; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–460, CMS–R–70, CMS–R–209, CMS–R–245, CMS–10178]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Participating Physician or Supplier Agreement; *Form No.:* CMS–460 (OMB#: 0938–0373); *Use:* Form number CMS–460 is completed by nonparticipating physicians and suppliers if they choose to participate in Medicare Part B. By signing the agreement, the physician or supplier agrees to take assignment on all Medicare claims. To take assignment means to accept the Medicare allowed amount as payment in full for the services they furnish and to charge the beneficiary no more than the deductible and coinsurance for the covered service. In exchange for signing the agreement, the physician or supplier receives a significant number of program benefits not available to nonparticipating suppliers. The information associated with this collection is needed to identify the recipients of the program benefits; *Frequency:* Reporting, Other—when starting a new business; *Affected Public:* Business or other for-profit, Individuals or Households; *Number of Respondents:* 6000; *Total Annual Responses:* 6000; *Total Annual Hours:* 1500.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in HSQ–110, Acquisition, Protection and Disclosure of Peer review Organization Information and Supporting Regulations in 42 CFR 480.104, 480.105, 480.116, and 480.134; *Use:* The Peer Review Improvement Act of 1982 authorizes quality improvement organizations (QIOs), formally known as peer review organizations (PROs), to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. The QIOs are required to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties. The information provided in these notices is used by the patients, practitioners and providers to: Obtain access to the data maintained and collected on them by the QIOs; add additional data or make changes to existing QIO data; and reflect in the QIO's record the reasons for the QIO's disagreeing with an individual's or provider's request for amendment; *Form Number:* CMS–R–70 (OMB#: 0938–0426); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profit, Individuals or Households, Not-for-profit institutions, Federal government, and State, Local or Tribal governments; *Number of Respondents:* 362; *Total Annual Responses:* 3729; *Total Annual Hours:* 60,919.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare and Medicaid Programs: Reporting OASIS Data as Part of the Conditions of Participation for Home Health Agencies and Supporting Regulations in 42 CFR

484.11 and 484.20; *Use:* This request is for OMB approval to continue to require home health agencies (HHAs) to electronically report the Outcome and Assessment Information Set (OASIS) data to CMS. OASIS is a requirement of one of the Conditions of Participation (CoP) that HHAs must meet in order to participate in the Medicare program. Specifically, the aforementioned regulation sections provide guidelines for HHAs for the electronic transmission of the OASIS data as well as responsibilities of the State agency or OASIS contractor in collecting and transmitting this information to CMS. These requirements are necessary to achieve broad-based, measurable improvement, in the quality of care furnished through Federal programs, and to establish a prospective payment system for HHAs; *Form Number:* CMS–R–209 (OMB#: 0938–761); *Frequency:* Reporting—Monthly; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal government, State, Local, or Tribal governments; *Number of Respondents:* 8,277; *Total Annual Responses:* 102,203; *Total Annual Hours:* 1,374,051.

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare and Medicaid Programs OASIS Collection Requirements as Part of the Conditions of Participation for Home Health Agencies and Supporting Regulations in 42 CFR 484.55, 484.205, 484.245, 484.250; *Use:* The Medicare and Medicaid Programs OASIS Collection Requirements as Part of the Conditions of Participation for Home Health Agencies (HHAs) information collection requires HHAs to use a standard core assessment data set, the Outcome and Assessment Information Set (OASIS), to collect information and to evaluate adult non-maternity patients. In addition, data from the OASIS will be used for purposes of case mix adjusting patients under the home health prospective payment system and will facilitate the production of necessary case mix information at relevant time points in the patient's home health stay; *Form Number:* CMS–R–245 (OMB#: 0938–760); *Frequency:* Recordkeeping and Reporting—Other, upon patient assessment; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal government, State, Local, or Tribal governments; *Number of Respondents:* 8,277; *Total Annual Responses:* 11,087,565; *Total Annual Hours:* 9,339,184.

5. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Collection of Medicaid and State Children's Health Insurance (SCHIP) Managed Care Claims and Related Information; *Use:* The Improper Payments Information Act (IPIA) of 2002 (Pub. L. 107–300) requires CMS to produce national error rates in the Medicaid program and the State Children's Health Insurance Program (SCHIP). To comply with the IPIA, CMS will engage a Federal contractor to produce error rates in Medicaid managed care and SCHIP managed care. Beginning in 2007, CMS will use a rotational approach to review up to 18 States for each program, for a total 36 States each year. CMS has completed the State selection process for the Medicaid improper payments measurement. States have not yet been selected for the measurement of improper payments in SCHIP. CMS expects to select the SCHIP States in the fall of 2006; *Form Number:* CMS–10178 (OMB#: 0938–NEW); *Frequency:* Reporting—On occasion, Quarterly; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 36; *Total Annual Responses:* 23,400; *Total Annual Hours:* 23,400.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

Written comments and recommendations for the proposed information collections must be mailed or faxed within 30 days of this notice directly to the OMB desk officer:

OMB Human Resources and Housing Branch, Attention: Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503. Fax Number: (202) 395–6974.

Dated: April 4, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6–5406 Filed 4–13–06; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–05, CMS–R–72, CMS–10175, CMS 10050, CMS–1957, CMS–1515 & 1572]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Physician Certifications/Recertifications in Skilled Nursing Facilities (SNFs) Manual Instructions and Supporting Regulations in 42 CFR 424.20; *Use:* Regulations at 42 CFR 424.20 require SNFs to keep record of physician certifications and recertifications of information such as the need for care and services, estimated duration of the SNF stay, and plan for home care. As a condition for Medicare Part A payment for post-hospital skilled nursing facility (SNF) services, the Medicare program requires that a physician certify and periodically recertify that a beneficiary requires an SNF level of care. The physician certification and recertification is intended to ensure that the beneficiary's need for services has been established and then reviewed and updated at appropriate intervals; *Form Number:* CMS–R–05 (OMB#: 0938–0454); *Frequency:* Recordkeeping and Reporting—On occasion; *Affected Public:* State, Local or Tribal governments, Individuals or Households, Business or other for-profit

and Not-for-profit institutions; *Number of Respondents:* 2,458,549; *Total Annual Responses:* 981,642; *Total Annual Hours:* 547,578.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in 42 CFR 478.18, 478.34, 478.36, 478.42, QIO Reconsiderations and Appeals; *Use:* In the event that a beneficiary, provider, physician, or other practitioner does not agree with the initial determination of a Quality Improvement Organization (QIO) or a QIO subcontractor, it is within that party's rights to request reconsideration. The information collection requirements 42 CFR 478.18, 478.34, 478.36, and 478.42, contain procedures for QIOs to use in reconsideration of initial determinations. The information requirements contained in these regulations are on QIOs to provide information to parties requesting the reconsideration. These parties will use the information as guidelines for appeal rights in instances where issues are actively being disputed.; *Form Number:* CMS–R–72 (OMB#: 0938–0443); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households and Business or other for-profit institutions; *Number of Respondents:* 2,590; *Total Annual Responses:* 5,228; T*otal Annual Hours:* 2,822.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Certification Statement for Electronic File Interchange Organizations (EFIOS) that Submit National Provider Identifier (NPI) Data to the National Plan and Enumeration System; *Use:* The EFI process is designed to allow organizations to submit NPI application information for large numbers of providers in a single file. Once it has obtained and formatted the necessary provider data, the EFIO will electronically submit the file to NPPES for processing. As each file can contain up to approximately 100,000 records, or provider applications, the EFI process greatly reduces the paperwork and overall administrative burden associated with enumerating providers; *Form Number:* CMS–10175 (OMB#: 0938–0984); *Frequency:* Reporting—Other, One-time; *Affected Public:* Business or other for-profit, and Not-for-profit institutions; *Number of Respondents:* 1000; *Total Annual Responses:* 1000; *Total Annual Hours:* 3000.

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey of Newly Eligible Medicare Beneficiaries; *Use:* CMS is responsible for providing beneficiaries with the Medicare program information they need to effectively choose the health care plan best suited to their needs. In order to provide such information, CMS needs to know (1) Whether or not new enrollees are aware of the choices they have, (2) what beneficiaries understand about the basic elements of the Medicare program, (3) what other sources currently provide Medicare-related information, and (4) how all of these items vary across beneficiary subpopulations. To this end, CMS must have the ability to measure over time what beneficiaries know and understand about the Medicare program. Measuring beneficiaries' information needs and knowledge over time will help CMS evaluate its impact on information/education, population changes and other initiatives; *Form Number:* CMS–10050 (OMB#: 0938–0869); *Frequency:* Reporting—Quarterly; *Affected Public:* Individuals or Households; *Number of Respondents:* 2400; *Total Annual Responses:* 2400; *Total Annual Hours:* 800.

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* SSO Report of State Buy-in Problem and Supporting Regulations in 42 CFR 407.40; *Use:* Under the State Buy-In program, States enroll certain groups of needy people under the Part B Supplementary Medical Insurance (SMI) Program and pay their premiums. The purpose of the ''buy-in'' is to allow the States to provide SMI protection to certain groups of needy individuals as part of its total assistance plan. Generally, States ''buy-in'' for individuals who are categorically needy under Medicaid and meet the eligibility requirements for Medicare Part B. States can also include in their buy-in agreement those eligible for medical assistance only. The CMS–1957 is used in the resolution of beneficiary complaints regarding State buy-in. This form facilitates the coordination of efforts between the SSO, State Medicaid Agencies, and CMS in the resolution of a beneficiary's State buy-in problem; *Form Number:* CMS–1957 (OMB#: 0938–0035); *Frequency:* Reporting—On occasion; *Affected Public:* Federal government, Individuals or Households, and State, Local, and Tribal governments; *Number of Respondents:* 6,600; *Total Annual Responses:* 6,600; *Total Annual Hours:* 2,366.

6. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Home Health Agency Survey and Deficiencies Report, Home Health Functional Assessment Instrument and Supporting Regulations in 42 CFR 488.26 and 442.30; *Use:* In order to participate in the Medicare program as a Home Health Agency (HHA) provider, the HHA must meet Federal Standards. These forms used to record information about patients' health and provider compliance with requirement and report information to the Federal Government; *Form Number:* CMS–1515 & 1572 (OMB#: 0938–0355); *Frequency:* Reporting—Annually; *Affected Public:* Business or other for-profit, Individuals or Households, and Not-for-profit institutions; *Number of Respondents:* 24,150; *Total Annual Responses:* 24,150; *Total Annual Hours:* 3,864.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on June 13, 2006.

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—B, Attention: William N. Parham, III, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 4, 2006.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E6–5408 Filed 4–13–06; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0107]

Food and Drug Administration-Regulated Products Containing Nanotechnology Materials; Planning of Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments.

SUMMARY: The Food and Drug Administration (FDA) is planning a public meeting on FDA-regulated products containing nanotechnology materials. The purpose of the meeting will be to help FDA further its understanding of developments in nanotechnology materials that pertain to FDA-regulated products. FDA is interested in learning about the kinds of new nanotechnology material products under development in the areas of foods (including dietary supplements), food and color additives, animal feeds, cosmetics, drugs and biologics, and medical devices; whether there are scientific issues that should be addressed; and any other issues about which the regulated industry, academia and the interested public may wish to inform FDA concerning the use of nanotechnology materials in FDA-regulated products.

DATES AND TIMES: The public meeting will be held in mid-October 2006. Details on the date and time of the meeting will be provided in a subsequent **Federal Register** notice.

ADDRESSES: The public workshop will be held in the Washington, DC metropolitan area. The meeting address will be provided in a subsequent **Federal Register** notice and posted at *http://www.fda.gov/nanotechnology*.

Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

For information about this document: Poppy Kendall, Food and Drug Administration (HF–11), 5600 Fishers Lane, Rockville, MD 20857, 301–827–3360, FAX: 301–594–6777, e-mail: *Poppy.Kendall@FDA.HHS.Gov*.

SUPPLEMENTARY INFORMATION:

I. Why Are We Holding a Public Meeting?

Nanotechnology is defined in a variety of ways. The National Nanotechnology Initiative (a U.S. Government research and development coordinating program) refers to nanotechnology as ''the understanding and control of matter at dimensions of roughly 1 to 100 nanometers, where unique phenomena enable novel applications'' (*http://www.nano.gov*). A nanometer is a billionth of a meter, and is approximately the width of 10 hydrogen atoms lined up side by side. (A human hair is about 80,000 nanometers in width. Deoxyribonucleic acid (DNA) is about 2.5 nanometers in width.)

Due to their small size and extremely high ratio of surface area to volume, nanotechnology materials often have chemical or physical properties that are different from those of their larger counterparts. Such differences include altered magnetic properties, altered electrical or optical activity, increased structural integrity, and increased chemical and biological activity. Because of these properties, nanotechnology materials have great potential for use in a vast array of products. Also because of some of their special properties, they may pose different safety issues than their larger counterparts. Of particular interest to FDA, nanotechnology materials may enable new developments in implants and prosthetics, drug delivery, and food processing, and may already be in use in some cosmetics and sunscreens. As part of its critical path initiative, FDA is interested in learning if there are opportunities for it to help overcome scientific hurdles that may be inhibiting the use of nanotechnology in medical product development.

We will be holding this meeting because we are interested in learning about the kinds of new nanotechnology material products under development in the areas of foods (including dietary supplements), food and color additives, animal feeds, cosmetics, drugs and biologics, and medical devices; whether there are scientific issues that should be addressed; and any other issues about which the regulated industry, academia and the interested public may wish to inform FDA concerning the use of nanotechnology materials in FDA-regulated products.

For more information about FDA's role regarding nanotechnology products, see our Web page at *http://www.fda.gov/nanotechnology*. We are announcing our plans now to hold a meeting to give ourselves and participants ample time to prepare.

II. How Can You Participate?

Details on registration and the meeting agenda will be provided in a subsequent **Federal Register** notice and at *http://www.fda.gov/nanotechnology*. To help us plan the logistics and agenda for the meeting, we would appreciate receiving expressions of interest from those planning on attending or presenting at the meeting, via e-mail or phone to Poppy Kendall (see **FOR FURTHER INFORMATION CONTACT**). We will attempt to obtain a venue and structure the meeting to accommodate the level of expressed interest and to address a range of topics, but will not begin the registration process until after publication of the subsequent **Federal Register** notice.

III. How Should You Send Comments on the Issues?

Interested persons may submit written or electronic comments to the Division of Dockets Management (see **ADDRESSES**). Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 21, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–5526 Filed 4–13–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0206]

Guidance for Industry on Exocrine Pancreatic Insufficiency Drug Products—Submitting New Drug Applications; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Exocrine Pancreatic Insufficiency Drug Products—Submitting NDAs.'' This guidance is intended to assist manufacturers of exocrine pancreatic insufficiency drug products in preparing and submitting documentation to meet new drug application (NDA) requirements for the drug products.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that

office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Maureen Dewey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 5195, Silver Spring, MD 20993–0002, 301–796–0845.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Exocrine Pancreatic Insufficiency Drug Products—Submitting NDAs.'' On April 28, 2004 (69 FR 23410), FDA announced that all exocrine pancreatic insufficiency drug products are new drugs and that manufacturers who wish to continue to market these products must submit applications as required by section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) and 21 CFR part 314. The **Federal Register** announcement stated that FDA is prepared to accept NDAs for these products, including applications submitted under section 505(b)(2) of the act. This guidance is intended to assist manufacturers of currently marketed exocrine pancreatic insufficiency drug products in preparing and submitting documentation to meet NDA requirements for the drug products.

Also on April 28, 2004 (69 FR 23414), FDA announced the availability of the draft version of this guidance. A number of comments were received, and the agency considered them carefully as it finalized the guidance. Although the guidance has not changed substantially, the following changes are noteworthy: (1) In the Background section, the scope of the guidance was clarified; (2) in the Chemistry, Manufacturing, and Controls section, several items were further explained; (3) in the Nonclinical Pharmacology and Toxicology section, two points were additionally clarified; (4) in the Safety subsection, the recommended dosage was updated; and (5) in the References section, two additional references were added and one reference was deleted.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on submitting NDAs for exocrine pancreatic insufficiency drug products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: April 6, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–5528 Filed 4–13–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0139]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Draft Revised Guidance for Industry on Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision); Request for Comments; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability for comment of a draft revised guidance for industry (#73) entitled ''Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision)'' VICH GL3(R). This draft revised guidance, which updates a guidance on the same topic for which a notice of availability was published in the **Federal Register** of October 12, 1999 (64 FR 55293) (the 1999 guidance), has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This draft revised document is intended to provide guidance regarding the development of stability testing data new animal drug applications (referred to as registration applications in the guidance) submitted to the European Union (EU), Japan, and United States.

DATES: Submit written or electronic comments by May 15, 2006 to ensure their adequate consideration in preparation of the final document. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine (CVM), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Comments should be identified with the full title of the guidance and the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Dennis Bensley, Center for Veterinary Medicine, (HFV–143), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6956, e-mail: *dennis.bensley@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonization of Technical Requirements for Approval of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH steering committee is composed of member representatives from the European Commission; European Medicines Evaluation Agency; European Federation of Animal Health; Committee on Veterinary Medicinal Products; the U.S. FDA; the U.S. Department of Agriculture; the Animal Health Institute; the Japanese Veterinary Pharmaceutical Association; the Japanese Association of Veterinary Biologics; and the Japanese Ministry of Agriculture, Forestry and Fisheries.

Four observers are eligible to participate in the VICH steering committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, and one representative from the industry of Canada. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH steering committee meetings.

II. Draft Revised Guidance on Stability Testing of New Veterinary Drug Substances and Medicinal Products

The draft revised guidance is entitled ''Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision)'' VICH GL3(R). It has been adapted for veterinary use by the VICH from guidances regarding pharmaceuticals for human use which were adopted by the ICH and for which notices of availability were published in the **Federal Register** of November 7, 2001 (66 FR 56332), June 14, 2002 (67 FR 40951), and November 21, 2003 (68 FR 65717).

In October 2005, the VICH steering committee agreed that a draft revised guidance entitled ''Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision)'' VICH GL3(R) should be made available for public comment. The draft revised guidance is a revision of a guidance on the same topic for which a notice of availability was published in the **Federal Register** of October 12, 1999. The draft revised guidance clarifies the 1999 guidance, adds information, and provides consistency with more recently published VICH guidances. The draft revised guidance seeks to exemplify the core stability data package to be included in registration applications for new veterinary drug substances and medicinal products. The draft revised guidance is the product of the Quality Expert Working Group of the VICH. Comments about this draft will be considered by FDA and the Quality Expert Working Group.

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in section 2 of the guidance have been approved under OMB control number 0910–0032.

IV. Significance of Guidance

This draft revised document, developed under the VICH process, has been revised to conform to FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated ''guidance'' rather than ''guideline.'' In addition, guidance documents must not include mandatory language such as ''shall,'' ''must,'' ''require,'' or ''requirement,'' unless FDA is using these words to describe a statutory or regulatory requirement.

The draft revised VICH guidance (GFI #73) is consistent with the agency's current thinking on the stability testing of new veterinary drug substances and medicinal products. This draft revised guidance does not create or confer any rights for or on any person and will not operate to bind FDA or the public. An alternative method may be used as long as it satisfies the requirements of applicable statutes and regulations.

V. Comments

This draft revised guidance document is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this draft guidance document. Submit a single copy of electronic comments or two paper copies of written comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft revised guidance and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

VI. Electronic Access

Electronic comments may also be submitted on the Internet at *http://www.fda.gov/dockets/ecomments*. Once on this Internet site, select Docket No. 1999D–2215, entitled ''Draft Revised Guidance for Industry on Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision)'' VICH GL3(R) and follow the directions.

Copies of the draft guidance document entitled ''Draft Revised Guidance for Industry on Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision)'' VICH GL3(R) may be obtained on the Internet from the CVM home page at *http://www.fda.gov/cvm*.

Dated: April 6, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–5525 Filed 4–13–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0138]

Draft Guidance for Industry: Recommended Study Design and Evaluation of Effectiveness Studies for Swine Respiratory Disease Claims; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (#178) entitled ''Recommended Study Design and Evaluation of Effectiveness Studies for Swine Respiratory Disease Claims.'' This draft guidance provides recommendations to industry relating to study design and describes the criteria that the Center for Veterinary Medicine (CVM) intends to use to evaluate effectiveness studies for swine respiratory disease (SRD) claims.

DATES: Submit written or electronic comments on this draft guidance by

June 28, 2006 to ensure their adequate consideration in preparation of the final document. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Comments should be identified with the full title of the guidance and the docket number found in brackets in the heading of this document. Submit electronic comments on the guidance via the Internet at *http://www.fda.gov/dockets/ecomments*.

See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Michelle L. Stull, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5058, e-mail: *michelle.stull@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of this draft guidance is to provide the Center for Veterinary Medicine's current thinking regarding the recommended design and evaluation of effectiveness studies for SRD claims. This guidance identifies specific detailed recommendations for sponsors of new animal drug applications to consider when designing and writing protocols for SRD effectiveness studies.

II. Significance of Guidance

This Level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). This draft guidance represents the agency's current thinking on the topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternate method may be used as long as it satisfies the requirements of applicable statutes and regulations.

III. Comments

This draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this draft guidance document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Electronic comments may be submitted on the Internet at *http://www.fda.gov/dockets/ecomments*. Copies of the guidance document entitled ''Recommended Study Design and Evaluation of Effectiveness Studies for Swine Respiratory Disease Claims'' may be obtained from the CVM Home Page (*http://www.fda.gov/cvm*) and from the Division of Dockets Management Web site (*http://www.fda.gov/ohrms/dockets/default.htm*).

Dated: April 6, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6–5527 Filed 4–13–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The National Institutes of Health

Submission for OMB Review; Comment Request; Child/Parent Evaluation and Satisfaction Surveys; Brain Train4Kids: New Delivery of the Brain Power! Program

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 on Drug Abuse (NIDA), 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. The proposed information collection was previously published in the **Federal Register** on December 8, 2004, page 71060 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: BrainTrain4Kids: New Delivery of the Brain Power Program. *Type of information Collection Request:* NEW. *Need and Use of Information Collection:* This research will evaluate the effects of *BrainTrain4Kids.com*, an online program for students (Grades 2 and 3), on: (1) Students' knowledge of scientific inquiry, the human nervous system, the effects of alcohol and tobacco on the brain, and the differences between helpful and harmful drugs; (2) students' attitudes toward science in general; and (3) students' attitudes toward substance abuse. The secondary goals of the summative evaluation are to determine if changes in knowledge and attitudes are retained over follow-up period as well as to determine if parents and second- and third-grade students will report a high degree of satisfaction with the online program. The online program is a new delivery of a National Institute on Drug Abuse science education curriculum for second- and third-grade teachers (*Brain Power! The NIDA Junior Scientist Club*) adapted for the Internet and for use by children at home under the guidance of their parents. If the new program is successful, the public will have access to an evidence-based program via the Internet that contributes to scientific literacy and provides a basis of knowledge upon which to build future substance abuse prevention. In order to evaluate the effectiveness of the program, information will be collected from students before (pretest) and after (post-test) exposure to the Web site and again 6 weeks after the program has been completed (follow-up). Parents will be asked to complete usage logs at six points during their use of the *BrainTrain4Kids* Web site with their children. Prior to the evaluation study, the knowledge and attitude assessment instruments will be pilot-tested with a small sample of students to determine validity and reliability. All data collection will occur online. *Frequency of Response:* On occasion. *Affected Public:* Second- and third-grade children and their parents. *Type of Respondents:* Second- and third-grade children and their parents. The reporting burden is as follows: *Estimated Number of Respondents:* 308; *Estimated Number of Responses per Respondents:* One for two key cohorts, three for one key cohort, and seven for one key cohort; *Average Burden Hours per Response:* 0.378; and *Estimated Total Annual Burden Hours Requested:* 479.50. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. The

estimated annualized burden is summarized below.

Type of respondents	Number of respondents	Frequency of responses	Average time per response	Annual hour burden
Children (Assessment Instrument Pilot Test)	34	1	0.75	25.5
Parents (Assessment Instrument Pilot Test)	34	1	1	34.0
Children (Evaluation)	120	3	0.5	180.0
Parents (Evaluation: 1 Satisfaction Scale/6 Usage Logs)	120	1	0.5	240.0
		6	0.25	
Total	308			479.50

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 the 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.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, room 1–235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Cathrine Sasek, Coordinator, Science Education Program. Office of Science Policy and Communications, National Institute on Drug Abuse, 6001 Executive Blvd, Room 5237, Bethesda, MD 20892, or call non-toll-free number (301) 443–6071; fax (301) 443–6277; or by e-mail to *csasek@nida.nih.gov.*

Comments Due Date

Comments regarding this information are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: April 10, 2006.

Laura Rosenthal,

Executive Officer, National Institute on Drug Abuse.

[FR Doc. 06–3596 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health

Submission for OMB Review; Comment Request; National Survey of Primary Care Physicians' Recommendations and Practice for Breast, Cervical, Colorectal, and Lung Cancer Screening

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), National Cancer Institute (NCI), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 20, 2006, page 3309 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: National Survey of Primary Care Physicians' Recommendations and Practice for Breast, Cervical, Colorectal, and Lung Cancer Screening. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* This study will obtain current, national data on primary care physicians' knowledge, attitudes, recommendations, and practices related to screening for breast, cervical, colorectal, and lung cancer. There have been substantial changes in guidelines and/or technologies for these types of cancer screening in recent years. The data collected in this study will support and further NCI work in monitoring and evaluating providers' cancer control knowledge, attitudes, and practices and their impact on population health, as well as enable monitoring of progress toward major cancer control goals. Two questionnaires, one covering breast and cervical cancer screening and the other colorectal and lung cancer screening, will be administered by mail or telephone to a randomly-selected national sample of primary care physicians. *Frequency of Response:* One Time. *Affected Public:* Medical practices, clinics, or other health care organizations. *Type of Respondents:* Primary Care Physicians. *Burden estimates* are as follows:

Questionnaire	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours
Breast & cervical cancer screening	1250	1	0.333	416.25
Colorectal & lung cancer screening	1250	1	0.333	416.25
Total				832.5

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (a) Whether the proposed collection of information is necessary for the performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Carrie Klabunde, Epidemiologist, Division of Cancer Control and Population Sciences, National Cancer Institute, Executive Plaza North 4005, 6130 Executive Boulevard, Bethesda, Maryland 20892–7344 or call non-toll-free 301–402–3362 or E-mail your request, including your address, to: *klabundc@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: April 4, 2006.

Rachelle Ragland-Greene,

National Institutes of Health, NCI Project Clearance Liaison.

[FR Doc. E6–5532 Filed 4–13–06; 8:45 am]

BILLING CODE 4101–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 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 would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Cancer Detection.

Date: May 5, 2006.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, 6116 Executive Boulevard, Room 8125, Bethesda, MD. (Telephone Conference Call).

Contact Person: Virginia P. Wray, PhD., Deputy Chief, Research Programs Review Branch, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8125, Bethesda, MD 20892–8328. 301/496–9236. *wrayv@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Spore in Breast Cancer Review.

Date: May 16–18, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Shamala K. Srinivas, PhD., Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8133, Bethesda, MD 20892. 301/594–1224.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee F—Manpower & Training.

Date: June 13–14, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Old Town Alexandria, 1767 King Street, Alexandria, VA 22314.

Contact Person: Lynn M. Amende, PhD., Scientific Review Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8105, Bethesda, MD 20892. 301–451–4759. *amendel@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Clinical Cluster Review.

Date: June 19–21, 2006.

Time: 6 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Wlodek Lopaczynski, PhD., MD, Scientific Review Administrator, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8133, Bethesda, MD 20892. 301–594–1402. *lopacw@mail.nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee A—Cancer Centers.

Date: August 3–4, 2006.

Time: 1 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: David E. Maslow, PhD., Scientific Review Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8117, Bethesda, MD 20892–7405. (301) 496–2330. dm65y@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 6, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3568 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of 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 a meeting of the National Advisory Council for Human Genome Research.

The meeting will be open to the public as indicated below, 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.

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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: May 22–23, 2006.

Open: May 22, 2006, 8:30 a.m. to 3 p.m.

Agenda: To discuss matters of program relevance.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Closed: May 22, 2006, 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Closed: May 23, 2006, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Mark S. Guyer, PhD, Director for Extramural Research, National Human Genome Research Institute, 5635 Fishers Lane, Suite 406, MSC 9305, Bethesda, MD 20892. (301) 496–7531. *guyerm@mail.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: *http://www.genome.gov/11509849,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 6, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3569 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of 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 a meeting of the National Advisory Mental Health Council.

The meeting will be open to the public as indicated below, 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.

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 Advisory Mental Health Council.

Date: May 11–12, 2006.

Closed: May 11, 2006, 10:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room C/D/E, Rockville, MD 20852.

Open: May 11, 2006, 4 p.m. to 5 p.m.

Agenda: Discussion on NIMH program and policy issues.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room C/D/E, Rockville, MD 20852.

Open: May 12, 2006, 8:30 a.m. to 12:30 p.m.

Agenda: Presentation of NIMH Director's report and discussion on NIMH program and policy issues.

Place: National Institutes of Health, Building 31C, 31 Center Drive, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Jane A. Steinberg, PhD., Director, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609. 301–443–5047.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and short description of the oral representation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicab, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nimh.nih.gov/council/advis.cfm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: April 15, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3567 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Research Program Projects (P01).

Date: April 17, 2006.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotel and Suites, 6711 Democracy Blvd., Bethesda, MD 20817.

Contact Person: Eric H. Brown, PhD, Scientific Review Administrator, National Institute of Arthritis, Musculoskeletal & Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 824, MSC 4872, Bethesda, MD 20892–4871. (301) 594–4955. *brownen@mail.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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 05, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3570 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of 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 a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public as indicated below, 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 in advance of the 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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: May 25–26, 2006.

Open: May 25, 2006, 10 a.m. to 5 p.m.

Agenda: Report by the Director, NINDS; Report by the Director, Division of Extramural Research; Report by the Director, NIH; and other administrative and programmatic discussions.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: May 26, 2006, 8 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Robert Finkelstein, PhD, Associate Director for Extramural Research, Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892. (301) 496–9248.

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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.ninds.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 6, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3573 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of 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 a meeting of the National Advisory Council on Aging.

The meeting will be open to the public as indicated below, 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.

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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Aging.

Date: May 23–24, 2006.

Closed: May 23, 2006, 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institute on Aging, Building 31, 9000 Rockville Pike, Conference Room 6, Bethesda, MD 20892.

Open: May 24, 2006, 8 a.m. to 2:15 p.m.

Agenda: Call to Order; Task Force on Minority Aging Research Report; Working Group on Program Report; and Geriatrics and Clinical Gerontology Program Review Report.

Place: National Institute on Aging, Building 31, 9000 Rockville Pike, Conference Room 6, Bethesda, MD 20892.

Contact Person: Robin Barr, PhD, Acting Director, Office of Extramural Affairs, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Suite 2C218, Bethesda, MD 20814, 301–496–9322.

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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nih.gov/nia/naca/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 6, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3574 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: May 7–9, 2006.

Time: May 7, 2006, 7 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Time: May 8, 2006, 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room A, Rockville, MD 20852.

Time: May 8, 2006, 4 p.m. to 7 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Time: May 9, 2006, 8 a.m. to 11 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Story C. Landis, PhD, Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Building 31, Room 8A52, Bethesda, MD 20892, (301) 496–9746, *landiss@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3597 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, 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.

The meetings will be closed to the public in attendance 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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: May 31, 2006.

Open: 8:30 a.m. to 11:30 a.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Congressional I, II, and III, Bethesda, MD 20814.

Closed: 3:30 p.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Congressional I, II, and III, Bethesda, MD 20814.

Open: 3:45 p.m. to 5 p.m.

Agenda: Continuation of the Director's Report and other scientific presentations

Place: Bethesda Marriott, 5151 Pooks Hill Road, Congressional I, II, and III, Bethesda, MD 20814.

Contact Person: Brent B. Stanfield, PhD., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892. (301) 594–8843. *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Diabetes, Endocrinology, and Metabolic Diseases Subcommittee.

Date: May 31, 2006.

Open: 11:30 a.m. to 12:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Congressional I, Bethesda, MD 20814.

Closed: 1:30 p.m. to 3 p.m.

Agenda: to review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Congressional I, Bethesda, MD 20814.

Contact Person: Brent B. Stanfield, PhD., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892. (301) 594–8843. *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Digestive Diseases and Nutrition Subcommittee.

Date: May 31, 2006.

Open: 11:30 a.m. to 12:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Rockville/Chevy Chase Room, Bethesda, MD 20814.

Closed: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Rockville/Chevy Chase Room, Bethesda, MD 20814.

Contact Person: Brent B. Stanfield, PhD., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Disease Advisory Council, Kidney, Urologic, and Hematologic Diseases.

Date: May 31, 2006.

Open: 11:30 a.m. to 12:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Annapolis/Chesapeake Room, Bethesda, MD 20814.

Contact Person: Brent B. Stanfield, PhD., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.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: *http://www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.*, where an agenda and

any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3598 Filed 4–13–06; 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; Growth Hormone Activity in Polycistic Ovary Syndrome.

Date: April 18, 2006.

Time: 12:30 p.m. to 3 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: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Bldg Rm 5B01, Rockville, MD 20852, (301) 435–6889, *bhatnagg@mail.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.

(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: April 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3599 Filed 4–13–06; 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 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 a meeting of the AIDS Research Advisory Committee, NIAID.

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: AIDS Research Advisory Committee, NIAID.

Date: May 22, 2006.

Time: 1 p.m. to 5 p.m.

Agenda: Discussion from the Division Director and other staff.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Contact Person: Rona L. Siskind, Executive Secretary, AIDS Research Advisory Committee, Division of AIDS, NIAID/NIH, 6700B Rockledge Drive, Room 4139, Bethesda, MD 20892–7601. 301/435–3732.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3600 Filed 4–13–06; 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 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 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; Hyperaccelerated Award/ Mechanisms in Immunomodulation Trials (May 2006).

Date: May 2, 2006.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700B, 6700B Rockledge Drive, Room 3256, Bethesda, MD 20817. (Telephone Conference Call).

Contact Person: Mercy R. PrabhuDas, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616. (301) 451–2615. *mp457n@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: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Clinical Trials Planning (R34) Grants.

Date: May 8, 2006.

Time: 10 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3118, Bethesda, MD 20817. (Telephone Conference Call).

Contact Person: Quirijn Vos, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, (301) 496–2550. *qvos@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3601 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Dental & Craniofacial Research, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research, Review of the Pain and Neurosensory Mechanisms Branch.

Date: June 7–9, 2006.

Time: 7 p.m. to 3 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, 30 Covenent Drive, Bethesda, MD 20892.

Contact Person: Norman S Braveman, Assistant to the Director, NIH—NIDCR, 31 Center Drive, Bldg. 31, Room 5B55, Bethesda, MD 20892, 301 594–2089, *Norman.braveman@nih.gov*.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about/CouncilCommittees.asp,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 10, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–3602 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive License: Therapeutics for the Treatment of Neurodegenerative Disorders

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), announces that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the inventions embodied in: 1. E–177–1990/2–US–01, ''Activity-dependent Neurotrophic Factor'' by Douglas E. Brenneman and Illana Gozes, patent number 5,767,240 (issue date June 16, 1998); 2. E–177–1990/3–US–01, ''Activity-dependent Neurotrophic Factor'' by Douglas E. Brenneman and Illana Gozes, patent number 6,174,862 (issue date January 16, 2001); 3. E–177–1990/1–PCT–01, ''Activity-dependent Neurotrophic Factor'' by Douglas E. Brenneman and Illana Gozes, patent application number PCT/US92/03109 (filing date April 22, 1992) and all related foreign patent applications; 4. E–177–1990/3–PCT–02, ''Activity-dependent Neurotrophic Factor'' by Douglas E. Brenneman and Illana Gozes, patent application number PCT/US95/12929 (issue date October 16, 1995) and all related foreign patent applications; 5. E–209–2001/0–US–01, ''Neurotrophic Components of the ADNF I Complex'' by Brenneman *et al.*, patent application number 60/322,760 (filing date September 12, 2001); 6. E–209–2001/2–US–01, ''Neurotrophic Components of the ADNF I Complex'' by Brenneman *et al.*, patent application number 60/371,961 (filing date April 10, 2002); 7. E–209–2001/1–PCT–01, ''Neurotrophic Components of the ADNF I Complex'' by Brenneman *et al.*, patent application number PCT/US02/29146 (filing date September 12, 2002); 8. E–209–2001/1–US–02, ''Neurotrophic Components of the ADNF I Complex'' by Brenneman *et al.*, patent application number 10/489,515 (filing date March 11, 2004); to Allon Therapeutics, having a place of business in Vancouver, BC, Canada. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to therapeutics for the treatment of human neurodegenerative diseases.

DATES: Only written comments and/or license applications which are received by the National Institutes of Health on or before June 13, 2006 will be considered.

ADDRESSES: Requests for copies of the patent and/or patent applications, inquiries, comments and other materials relating to the contemplated exclusive license should be directed to: John Stansberrry, PhD., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5236; Facsimile: (301) 402–0220; E-mail: *stansbej@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: Neuronal cell death has been associated with a variety of diseases and conditions, including Alzheimer's, AIDS-related dementia, Huntington's disease, and Parkinson's disease to name a few. Neuronal cell death has also been associated with developmental retardation and learning impairments that have lifelong effects on individuals diagnosed with these conditions.

This invention discloses pharmaceutical compositions and methods of using Activity Dependent Neurotrophic Factor I (ADNF I) complex polypeptides which have been shown to prevent neuronal cell death. ADNF polypeptides are secreted by astroglial cells in the presence of vasoactive intestinal peptide (VIP). These new ADNF I complex polypeptides are effective for reducing neuronal cell death, for reducing oxidative stress, for reducing condition(s) associated with fetal alcohol syndrome in a subject, for enhancing learning and memory, both

pre- and post-natally, and for other conditions.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 6, 2006.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E6–5530 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Use of Single Chain T-Cell Receptors To Diagnose and Treat Cancer

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an exclusive patent license to practice the inventions embodied in PCT Application Serial No. PCT/US04/29608, filed September 13, 2004 [HHS Ref. No. E–106–2004/0–PCT–01], entitled ''Compositions Comprising T-Cell Receptors and Methods of Use Thereof,'' to Altor Bioscience Corporation, which is located in Miramar, Florida. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to the use of single chain, soluble T-Cell Receptors that recognize NY–ESO, MART–1, and gp100 for diagnosis, prophylaxis, and treatment of melanoma, myeloma, sarcoma, head and neck cancer, bladder cancer, esophageal cancer; lung cancer; stomach cancer; breast cancer; ovarian cancer, colorectal cancer, prostate cancer or liver.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before June 13, 2006 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Michelle A. Booden, PhD., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 451–7337; Facsimile: (301) 402–0220; E-mail: *boodenm@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: The technology describes the composition and use of nucleic acid sequences that encode polypeptides capable of forming a T-Cell Receptor (TCR) in a genetically engineered cell. Specifically, these nucleic acid sequences will encode TCRs specific to tumor associated antigens (TAA), gp100, NY–ESO–1, and MART–1. T-Cells engineered with these tumor associated antigen specific TCRs show specific immune responses against TAA expressing cancer cells. Additionally, a method of treating or preventing cancer by administrating the above described TCRs is also disclosed.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 6, 2006.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E6–5531 Filed 4–13–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

Title: Application for Community Disaster Loan Program (CDL)/Special Community Disaster Loan Program (SCDL).

OMB Number: 1660–0083.

Abstract: The Application for Community Disaster Loan (CDL) Program and the Special Community Disaster Loan Program (SCDL) provide States, Local and Tribal governments that have suffered substantial loss of tax or other revenues as a result of a major disaster or emergency, the opportunity to obtain financial assistance in order to perform their governmental functions.

Affected Public: State, local, or tribal government.

Number of Respondents: 103.

Estimated Time per Respondent: Burden for this collection is 15.2 hours for the Traditional CDL and 13.4 hours for the Special CDL.

Estimated Total Annual Burden Hours: 1,812.

Frequency of Response: Once.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory

Affairs at OMB, Attention: Desk Officer for the Department of Homeland Security/FEMA, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503, or facsimile number (202) 395–7285. Comments must be submitted on or before May 15, 2006.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Chief, Records Management, FEMA, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov*.

Dated: April 5, 2006.

Deborah Moradi,

Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.

[FR Doc. E6–5534 Filed 4–13–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 a proposed extension of a previously approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Individual and Family Grant (IFG) Program and the Individuals and Households Program—Other Needs Assistance (IHP-ONA)

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, 44 CFR 206.110 and 44 CFR 206.131, are the statutory and regulatory provisions that governs the programs, why the data is needed, and the purpose of the data collection. This collection of information is essential to the effective monitoring and management of the IFG/IHP-ONA Program by FEMA Regional Office staff who have oversight responsibility of ensuring that States perform and adhere to FEMA regulations and policy guidance. The collection comprises a series of forms and reports, which assist Regional staff in monitoring program delivery to disaster applicants and complying with other Federal Requirements (flood insurance, environment assessments and floodplain management).

Collection of Information

Title: Individual and Family Grant (IFG) and the Individuals and Households Program—Other Needs Assistance (IHP-ONA).

Type of Information Collection: Extension of a previously approved collection.

OMB Number: 1660–0018.

Form Numbers: FEMA Form 76–27, Individual Assistance Initial Report; FEMA Form 76–28, Individual Assistance Status Report; FEMA Form 76–29, Individual Assistance Final Statistical Report; FEMA Form 76–32, Worksheet for Case File Reviews; FEMA Form 76–34, Checklist for IFG/IHP-ONA Program Review; FEMA Form 76–38, Floodplain Management Analysis.

Abstract: This collection of information is essential to the effective monitoring and management of the IFG/IHP-ONA Program by FEMA Regional Office staff who have oversight responsibility of ensuring that the State perform and adhere to FEMA regulations and policy guidance.

Affected Public: Federal, State, local or tribal governments.

Estimated Total Annual Burden Hours: 301 hours.

ANNUAL BURDEN HOURS

Project/activity (survey, form(s), focus group, worksheet, etc.)	No. of respondents	Frequency of responses	Burden hours per respondent	Annual responses	Total annual burden hours
	(A)	(B)	(C)	(A×B)	(A×B×C)
FF 76–27	40	1	.25	40	10
FF 76–28	40	26	.08	1,040	87
FF 76–29	40	1	.50	40	20
FF 76–32	40	1	.50	40	20
FF 76–34	40	1	4.00	40	160
FF 76–38	40	1	2.00	2	4
Total	40		7.33	1,202	301

Estimated Cost: Total cost to all respondents combined is estimated at $6, 239.00 with average cost per respondent of $151.00. The total estimated annual cost to the Federal Government is $13,200.00.

Comments: Written comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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. Comments must be submitted on or before June 13, 2006.

ADDRESSES: Interested persons should submit written comments to Chief, Records Management Section, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Michael Gancie, Program Specialist, (202) 314–5505 for additional information. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646–3347 or e-mail address: *FEMA-Information-Collections@dhs.gov*.

Dated: April 5, 2006.

Deborah Moradi,

Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.

[FR Doc. E6–5535 Filed 4–13–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

Title: The Declaration Process: Requests for Damage Assessment, Federal Disaster Assistance, Cost Share Adjustment, and Appeals.

OMB Number: 1660–0009.

Abstract: When a disaster occurs in a State, the Governor of the State or the Acting Governor in his/her absence, may request a major disaster declaration or an emergency declaration. The Governor should submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgment and processing. The information obtained by joint Federal, State, and local preliminary damage assessments will be analyzed by FEMA regional senior level staff. The regional summary and the regional analysis and recommendation shall include a discussion of State and local resources and capabilities, and other assistance available to meet the disaster related needs. The Director of FEMA provides a recommendation to the President and also provides a copy of the Governor's request. In the event the information required by law is not contained in the request, the Governor's request cannot be processed and forwarded to the White House. In the event the Governor's request for a major disaster declaration or an emergency declaration is not granted, the Governor may appeal the decision.

Affected Public: State, local or tribal governments, and other Federal agencies.

Number of Respondents: 58.

Estimated Time per Respondent: 76 hours.

Estimated Total Annual Burden Hours: 13,224.

Frequency of Response: Per Disaster Declaration Request.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs at OMB, Attention: Desk Officer for the Department of Homeland Security/FEMA, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503, or facsimile number (202) 395–7285. Comments must be submitted on or before May 15, 2006.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Chief, Records Management, FEMA, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov*.

Dated: April 5, 2006.

Deborah Moradi,

Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.

[FR Doc. E6–5536 Filed 4–13–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

Title: National Flood Insurance Program Policy Forms.

OMB Number: 1660–0006.

Abstract: FEMA will use the National Flood Insurance Program Policy Forms to collect information needed to issue and to accommodate the changing insurance needs of policyholders. Policies are marketed through the facilities of licensed insurance agents or brokers in various States. Applications from agents or brokers are forwarded to a servicing company designated as fiscal agent by Federal Insurance Administration. Upon receipt and examination of applications and required premium, servicing companies will issue appropriate Federal flood insurance policies.

Affected Public: Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, and State, local, or tribal government.

Number of Respondents: 228,400.[1]

Estimated Time per Respondent: 8.52 hours.

Estimated Total Annual Burden Hours: 22,300 hours.[2]

Frequency of Response: On occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs at OMB, Attention: Desk Officer for the Department of Homeland Security/FEMA, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503, or facsimile number (202) 395–7285. Comments must be submitted on or before May 15, 2006.

[1] The burden estimates and number of respondents has changed since publication of the 60-day **Federal Register** notice dated February 14, 2006. The total number of respondents has decreased from 254,100 to 228,400 (−25,700).

[2] The burden hours for this information collection have decreased from 25,125 to 22,300 (−2,825) estimated burden hours. These changes are due to a program revaluation of applicants who bought, renewed, endorsed (changed) or cancelled NFIP policies.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Chief, Records Management, FEMA, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov*.

Dated: April 5, 2006.

Deborah Moradi,

Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.

[FR Doc. E6–5537 Filed 4–13–06; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1633–DR]

Illinois; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–1633–DR), dated March 28, 2006, and related determinations.

EFFECTIVE DATE: April 6, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Illinois is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 28, 2006:

Greene and Morgan Counties for Individual Assistance (already designated for Public Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Acting Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–5539 Filed 4–13–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1631–DR]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–1631-DR), dated March 16, 2006, and related determinations.

EFFECTIVE DATE: April 6, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 16, 2006:

Crawford County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Acting Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6–5538 Filed 4–13–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–20]

Moving to Work Demonstration

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

PHAs with specific types of Moving to Work demonstration agreements submit an MTW annual plan and annual report in lieu of the standard annual and 5 year PHA plans. The MTW annual Plan and Report will inform HUD, its residents and the public of the PHA's mission for serving the needs of low-income and very low-income families, and the PHA's strategy for addressing those needs.

DATES: *Comments Due Date:* May 15, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577–0216) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Moving to Work Demonstration.

OMB Approval Number: 2577–0216.

Form Numbers: HUD–50900 ''MTW Annual Plan and Report Elements''.

Description of the Need for the Information and Its Proposed Use: PHAs with specific types of Moving to Work demonstration agreements submit an MTW annual plan and annual report in lieu of the standard annual and 5 year PHA plans. The MTW annual Plan and Report will inform HUD, its residents and the public of the PHA's mission for serving the needs of low-income and very low-income families, and the PHA's strategy for addressing those needs.

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	16	2		40		1,280

Total Estimated Burden Hours: 1,280.

Status: Reinstatement, with change, of a previously approved collection for which approval has expired.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 7, 2006.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–5590 Filed 4–13–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5045–N–15]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date:* April 14, 2006.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD published a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 6, 2006.

Mark R. Johnston,

Acting Deputy Assistant Secretary for Special Needs.

[FR Doc. 06–3430 Filed 4–13–06; 8:45 am]

BILLING CODE 4210–67–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4826–N–05]

Notice of Availability of Fleet Alternative Fuel Vehicle Acquisition Report

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice of availability of reports.

SUMMARY: Through this notice, HUD is making available on its Web site, a copy of HUD's Alternative Fuel Vehicles Report for Fiscal Year 2005 that was prepared in accordance with the Energy Policy Act of 1992.

FOR FURTHER INFORMATION CONTACT: Robert E. Byrd, Jr., Director, Facilities Management Division, Office of Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–3000, at (202) 708–1955 (this is not a toll-free number). Persons with hearing or speech impairments may access these numbers through TTY by calling the toll-free Federal Information Relay Service number at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Energy Policy Act (42 U.S.C. 13201 *et seq.*) (the Act) establishes a comprehensive plan to achieve economic, energy and environmental benefits by promoting the use of alternative fuels. A major goal of the Act is to have the federal government exercise leadership in the use of alternative fuel vehicles. To that end, the Act established alternative fuel vehicle purchasing requirements for the federal fleets of government agencies, and requires federal agencies to report on their compliance with the requirements of the Act. A copy of HUD's Alternative Fuel Vehicle Reports can be obtained via the World Wide Web at: *http://www.hud.gov/offices/adm/reports/admreports.cfm.*

Dated: April 6, 2006.

Keith A. Nelson,

Assistant Secretary for Administration.

[FR Doc. E6–5591 Filed 4–13–06; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Farallon National Wildlife Refuge Restoration Project

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Intent and announcement of public meeting.

SUMMARY: In accordance with procedures for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370d), this notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Federal environmental document (environmental assessment or environmental impact statement) for the proposed Farallon National Wildlife Refuge Restoration Project. This document will examine alternatives for eradicating non-native house mice on the South Farallon Islands (SFI) as a

means of restoring populations of, and protecting native seabirds, insects and coastal plants, some of which are rare and declining due to the presence of non-native species. In addition, the Service proposes to implement preventative actions to keep non-native mammals from re-establishing on the SFI, and respond to any future re-introductions. The project would take place on Southeast Farallon Island (SEFI) and West End (WE) which together comprise the South Farallon Islands, and are located in San Francisco County, California. The South Farallon Islands are included in the Farallon National Wildlife Refuge which is managed by the Service.

The Service is furnishing this notice in order to: (1) Advise other federal, state, and local agencies, and the public of our intentions; (2) announce the initiation of a 45-day public scoping period; and (3) obtain suggestions and information on the scope of issues to be included in the environmental document.

DATES: Written comments from all interested parties must be postmarked by 45 days from the date of publication in the **Federal Register**. A public meeting is scheduled to be held in San Francisco, CA from 6:30 p.m.–8 p.m., May 17 2006, at the Marina Room in Building A, Fort Mason Center, San Francisco, CA. There is no street address; the location is at the intersection of Marina Boulevard and Buchanan Street. Directions for the public meeting are also available at *http://www.fortmason.org/directions/index.html.*

ADDRESSES: Please address comments and requests to be added to the mailing list to Jesse Irwin, Farallon National Wildlife Refuge, U.S. Fish and Wildlife Service, PO Box 524 Newark, CA 94560, facsimile: (510) 792–5828, e-mail: *sfbaynwrc@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Project Biologists Jesse Irwin or Joelle Buffa at the above address or telephone: (510) 792–0222. Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Jesse Irwin sufficiently in advance of the meeting to allow time to process the request.

SUPPLEMENTARY INFORMATION: The Service is proposing to undertake the Farallon National Wildlife Refuge Restoration Project pursuant to the management authorities granted by the Refuge Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544), the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703–712), and the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a–742j, not including 742d–l).

The Service is proposing to conduct an environmental review of the Farallon National Wildlife Refuge Ecosystem Restoration Project and prepare a federal environmental document analyzing impacts related to the ecosystem and the human environment from the project. The environmental review will analyze the Farallon National Wildlife Refuge Restoration Project, as well as a full range of reasonable alternatives. Alternatives for eradication may include the following methods or a combination of these methods: aerial broadcast of bait pellets containing rodenticides, hand broadcast of rodenticide pellets, and/or placing rodenticides in bait stations. Eradication would be followed by monitoring of the removal actions and the response of native biota to non-native species removal.

Should information become available during the scoping process that indicates the likelihood of significant environmental impacts from the Farallon National Wildlife Refuge Restoration Project, the Service will proceed with preparation of an environmental impact statement (EIS). Otherwise, an environmental assessment will be prepared.

The Service is requesting written comments regarding the project from interested individuals, organizations and agencies. Respondents should address concerns regarding potential environmental impacts to the human environment, mitigation measures for the project, and reasonable alternatives they feel could be included in the environmental analysis. Additional information, including the time and location of the public meeting, any changes to the project scope, and availability of draft documents for review will be sent out via local and regional press releases and direct mailings.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality's NEPA Regulations (40 CFR parts 1500–1508), other applicable federal laws and regulations, and applicable policies and procedures of the Service for compliance with those regulations.

Background: The South Farallon Islands, located approximately 44 kilometers (27 miles) west of San Francisco, are known for their rugged landscape and biological diversity. Twelve species of seabirds regularly breed on SFI, totaling 250,000–300,000 individuals. The South Farallon Islands are the largest seabird colony in the continental United States. Five species of seals and sea lions breed and haul out on SFI including Steller's sea lions which are listed as threatened under the Endangered Species Act. The Farallon National Wildlife Refuge is also home to multiple species of native coastal plants and insects. Non-native mice are also present on the island. Mice negatively impact seabirds through predation and habitat degradation. They are known to have played a role in the decline of many seabird species from islands around the world. At SFI, mice are contributing to the decline of ashy-storm petrels, a federally and state-listed Bird of Conservation Concern. Mice also feed on native plants and insects and can suppress or eliminate many of these species. Mice cache and disperse non-native plant seeds, further contributing to decreased habitat quality for nesting seabirds.

Following the proposed eradication, there is a threat of re-introduction of non-native mammals from grounded vessels and transport of people and materials to the island. The Project will also propose and evaluate measures to prevent any such introductions.

Dated: March 27, 2006.

Steve Thompson,

Manager, CA/NV Operations, Sacramento, California.

[FR Doc. E6–4820 Filed 4–13–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–050–1610–DR–018E]

Notice of Availability of the Record of Decision for the Dillon Resource Management Plan and Environmental Impact Statement (EIS), Beaverhead and Madison Counties, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability (NOA).

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), and Bureau of Land Management (BLM) management policies, the BLM announces the availability of the Record of Decision (ROD) for the Dillon Resource Management Plan (RMP) in Beaverhead and Madison counties, southwest Montana. The BLM Montana/Dakotas State Director signed the ROD and approved the RMP. Publication of

the NOA announces the availability of the document and starts the 30-day appeal period on implementation decisions (route designations) described in the ROD. All decisions were effective upon approval of the ROD/RMP.

ADDRESSES: Copies of the Dillon Field Office ROD/RMP are available upon request from the Field Manager, Dillon Field Office, Bureau of Land Management, 1005 Selway Drive, Dillon, Montana 59725; via the Internet at *http://www.mt.blm.gov/dfo/rmp* (subject to change); or by calling (406) 683–2337.

FOR FURTHER INFORMATION CONTACT: Tim Bozorth, Field Manager, BLM Dillon Field Office, 1005 Selway Drive, Dillon, Montana 59725, telephone (406) 683–2337, fax (406) 683–8066.

SUPPLEMENTARY INFORMATION: The Dillon RMP was developed with broad public participation through a 4-year collaborative planning process that started in 2001. This RMP addresses management on approximately 900,000 acres of public land and 1.3 million acres of Federal mineral estate located in Beaverhead and Madison Counties in southwestern Montana. The Dillon RMP replaces the September 1979 Dillon Management Framework Plan (MFP). The Dillon RMP is designed to achieve or maintain desired future conditions developed through the planning process. It includes a series of management actions to meet the desired resource conditions for upland and riparian vegetation; forest and woodland vegetation; wildlife habitats; and cultural, paleontological, and visual resources while providing for livestock grazing, recreation, forest product sales, mineral development, rights-of-ways, and other land uses, and designates eight areas as Areas of Critical Environmental Concern (ACECs).

The Dillon RMP establishes open, closed and limited travel areas as described in the Travel Management and OHV Use section of the approved RMP in accordance with provisions in 43 CFR 8342. These designations supersede all other prior off-road vehicle travel designations for lands managed by the BLM Dillon Field Office. The Dillon RMP implementation decisions on route designations are now subject to a 30-day appeal period. The specific route designations addressed in the Record of Decision are found on Maps 26 and 27 of the approved Dillon RMP. Specific instructions on how to file an appeal on route designation decisions can be found in the Implementation Decisions section of the ROD. Appeals should state the specific route(s) by Township, Range, and Section to clarify which decisions are being appealed.

The BLM received seven protests on the Proposed Dillon RMP/Final Environmental Impact Statement (PRMP/FEIS). With two exceptions, as described in the Notice of Modifications section of the Record of Decision, the approved Dillon RMP is essentially unchanged from Alternative B in the April 2005 PRMP/FEIS. In response to one protest, the proposed prescription to manage for a minimum of 12-inch residual tall emergent wetland vegetation in wetland and waterfowl production areas in the Centennial Valley was modified to manage the density and height of emergent wetland vegetation to provide residual nesting cover and concealment for trumpeter swans and other waterfowl without imposing a specific vegetative height. Internal review also resulted in modification to the proposed decision to establish user days by Outfitter Permit Area for outfitted big game hunting. Specific use levels will be reviewed and established within 2 years of issuance of the ROD, but will not exceed historical levels as intended in the proposed RMP decision. Some minor modifications were also made in preparing the ROD/RMP to correct errors noted during review of the PRMP/FEIS and/or to provide further clarification for some of the decisions. The section titled Clarifications in the ROD identifies these corrections and clarifications, none of which, considered either singly or together, constitute a significant change to the PRMP. In addition, no inconsistencies with State or local plans, policies or programs were identified during the Governor's Consistency Review of the PRMP/FEIS.

Dated: January 11, 2006.

Howard A. Lemm,

Acting State Director.

[FR Doc. E6–5479 Filed 4–13–06; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–922–06–1310–FI; COC64230]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC64230 from Elm Ridge Exploration Company, LLC for lands in Moffat County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303.239.3767.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $155 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC64230 effective December 1, 2005, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: April 7, 2006.

Milada Krasilinec,

Land Law Examiner.

[FR Doc. E6–5533 Filed 4–13–06; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

Temporary Concession Contract for Pinnacles National Monument, CA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of proposed award of temporary concession contract for the Pinnacles Campground Within Pinnacles National Monument, CA.

SUMMARY: Pursuant to 36 CFR 51.24, public notice is hereby given that the National Park Service proposes to award a temporary concession contract for the conduct of certain visitor services within Pinnacles National Monument, California for a term not to exceed two (2) years. The visitor services include a campground and a small convenience/grocery store. This action is necessary to avoid interruption of visitor services.

DATES: The term of the temporary concession contract will commence (if

awarded) as of the date of transfer to the National Park Service of land on which these services are currently provided to the visiting public. This land transfer is expected to happen sometime in the first quarter of 2006.

SUPPLEMENTARY INFORMATION: The temporary concession contract is proposed to be awarded to Pinnacles Campground, Inc., a qualified person. The campground is located on land which is proposed to be transferred to the National Park Service.

The National Park Service has determined that a temporary contract is necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid an interruption of visitor services. This action is issued pursuant to 36 CFR 51.24(a). This is not a request for proposals.

Dated: March 29, 2006.

Alfred J. Poole, III,

Acting Assistant Director, Business Services.

[FR Doc. 06–3595 Filed 4–13–06; 8:45 am]

BILLING CODE 4312–EP–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of a Draft Environmental Impact Statement for the General Management Plan, Abraham Lincoln Birthplace National Historic Site

ACTION: Notice.

SUMMARY: The National Park Service (NPS) announces the availability of the Draft Environmental Impact Statement (DEIS) for the General Management Plan (GMP) for Abraham Lincoln Birthplace National Historic Site, Kentucky. This document will be available for public review and comment pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and NPS policy in Director's Order Number 2 (Park Planning) and Director's Order Number 12 (Conservation Planning, Environmental Impact Analysis, and Decision-making).

The document provides a framework for management, use, and development options for the historic site by the NPS for the next 15 to 20 years. The document describes four management alternatives for consideration, including a no-action alternative, and analyzes the environmental impacts of those alternatives for the Birthplace unit and the Boyhood Home unit. The Birthplace unit of the historic site is located in the city of Hodgenville, Kentucky and the Boyhood Home unit is located 10 miles northeast of the Birthplace unit.

DATES: There will be a 60-day comment period beginning with the Environmental Protection Agency's publication of its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the DEIS and GMP are available from the Superintendent, Abraham Lincoln Birthplace National Historic Site, 2995 Lincoln Farm Road, Hodgenville, Kentucky, 42748–9707, telephone: 270–358–3137. An electronic copy of the DEIS and GMP is available on the Internet at *http://parkplanning.nps.gov/*.

FOR FURTHER INFORMATION CONTACT: Contact the Superintendent, Abraham Lincoln National Historic Site, at the address and telephone number shown above, Matthew Safford at 303–969–2898, or Amy Wirsching at 404–562–3124, extension 607.

SUPPLEMENTARY INFORMATION: If you wish to comment on the DEIS, you may submit your comments by any one of several methods. You may mail comments to the Superintendent at the address shown above. You may also submit a comment via the Internet at *http://parkplanning.nps.gov*. Finally, you may present your comments in person at the public meetings to be held during the public review period in Hodgenville and New Haven, Kentucky.

It is the practice of the NPS to make all comments, including names and addresses of respondents who provide that information, available for public review following the conclusion of the NEPA process. Individuals may request that the NPS withhold their name and/or address from public disclosure. If you wish to do this, you must state this prominently at the beginning of your comment. Commentators using the Web site can make such a request by checking the box ''keep my contact information private.'' NPS will honor such requests to the extent allowable by law, but you should be aware that NPS may still be required to disclose your name and address pursuant to the Freedom of Information Act.

The responsible official for the DEIS is Patricia A. Hooks, Regional Director, Southeast Region, National Park Service, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303.

Dated: March 28, 2006.

Patricia A. Hooks,

Regional Director, Southeast Region.

[FR Doc. E6–5586 Filed 4–13–06; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–549]

In the Matter of Certain Ink Sticks for Solid Ink Printers; Issuance of a Limited Exclusion Order Against Respondents Found in Default; Issuance of a Cease and Desist Order Against a Respondent Found in Default; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order against the two respondents found in default in the above-captioned investigation, has issued a cease and desist order against the sole domestic respondent found in default in the above-captioned investigation, and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 6, 2005, based on a complaint filed by Xerox Corporation of Stamford, Connecticut. The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ink sticks used in solid ink printers by reason of infringement of claim 16 of United States Patent No. 6,739,713 (''the '713 patent''), claims 5–10 and 13–14 of United States Patent No. 6,840,613 (''the

'613 patent''), and claims 1–2 of United States Patent No. 6,840,612 (''the '612 patent''). The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation names HANA Corporation (''HANA'') of Seoul, Republic of Korea, and InkSticks.com, Inc. (''InkSticks.com'') of Cheyenne, Wyoming, as respondents.

The administrative law judge (''ALJ'') issued an initial determination on December 20, 2005, finding HANA and InkSticks.com in default, because neither respondent replied to the complaint or notice of investigation, and neither respondent replied to a show cause order issued by the ALJ on November 5, 2005. The Commission declined to review the ALJ's determination that respondents HANA and InkSticks.com, the only respondents named in the investigation, defaulted. Commission Notice, dated January 13, 2006.

On February 10, 2006, the Commission issued a notice requesting briefing on the issues of remedy, the public interest, and bonding relating to the default finding of unlawful importation and sale of infringing products by HANA and InkSticks.com. Complainant submitted a brief along with proposed orders on February 24, 2006. The Commission investigative attorney (''IA'') also submitted a brief on remedy, the public interest, and bonding along with proposed orders on February 24, 2006. The complainant and the IA chose not to file reply briefs.

Having examined the record of this investigation, including the submissions of the parties, the Commission has determined that each of the statutory requirements of section 337(g)(1), 19 U.S.C. 1337(g)(1), has been met with respect to defaulting respondents HANA and InkSticks.com. Accordingly, pursuant to section 337(g)(1), 19 U.S.C. 1337(g)(1), and Commission Rule 210.16(c), 19 CFR 210.16(c), the Commission presumed the facts alleged in the complaint to be true. The Commission determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of ink sticks for solid ink printers covered by one or more of claim 16 of the '713 patent, claims 5–10 and 13–14 of the '613 patent, or claims 1–2 of the '612 patent that are manufactured abroad by or on behalf of, or imported by or on behalf of, HANA or InkSticks.com or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission further determined that the appropriate form of relief also includes a cease and desist order prohibiting InkSticks.com from importing, selling for importation, marketing, advertising, distributing, offering for sale, selling, transferring (except for exportation), advertising, and soliciting United States agents or distributors for ink sticks for solid ink printers that are covered by one or more of claim 16 of the '713 patent, claims 5–10 and 13–14 of the '613 patent, or claims 1–2 of the '612 patent.

The Commission further determined that the public interest factors enumerated in section 337(g)(1), 19 U.S.C. 1337(g)(1), do not preclude issuance of the limited exclusion order or the cease and desist order. Finally, the Commission determined that the amount of bond to permit temporary importation during the Presidential review period, under 19 U.S.C. 1337(j), shall be in the amount of 100 percent of the entered value of the infringing imported ink sticks for solid ink printers. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in § 210.16(c) of the Commission's Rules of Practice and Procedure, 19 CFR 210.16(c).

Issued: April 11, 2006.
By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–5571 Filed 4–13–06; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–06–025]

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 21, 2006 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1103 (Preliminary) (Certain Activated Carbon from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on or before April 24, 2006; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before May 1, 2006.)
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 12, 2006.
By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 06–3632 Filed 4–12–06; 12:30 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Class Exemption 91–38, Bank Collective Investment Funds

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that the Department can properly assess the impact of its information collection requirements on respondents and minimize the reporting burden (in both time and financial resources) on the public and that the public can clearly understand the Department's information collection instruments and can provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on a proposed extension of the information collection provisions of Prohibited Transaction Class Exemption (PTE) 91–38, Bank Collective Investment Funds. A copy of the Information Collection Request (ICR) can be obtained by contacting the office listed in the Addresses section of this notice.

DATES: Written comments must be submitted to the office shown in the Addresses section below on or before June 13, 2006.

ADDRESSES: Direct all written comments to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (the foregoing are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Exemption (PTE) 91–38 provides an exemption from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (ERISA) for certain transactions between a bank collective investment fund and persons who are parties in interest with respect to an employee benefit plan. Without the exemption, sections 406 and 407(a) of ERISA and section 4975(c)(1) of the Internal Revenue Code may prohibit transactions between the collective investment fund (CIF) and a party in interest to one or more of the employee benefit plans participating in the collective investment fund. Under PTE 91–38, a collective investment fund generally may engage in transactions with parties in interest to a plan that invests in the fund as long as the plan's total investment in the fund does not exceed a specified percentage of the total assets of the fund. The PTE also contains more limited or differently defined relief for funds holding more than the specified percentage, for multiemployer plans, and for transactions involving employer securities and employer real property. In order to ensure that the rights of participants and beneficiaries are protected, and that bank collective investment funds can demonstrate compliance with the terms of the exemption, the Department requires a bank to maintain records regarding the exempted transactions and make them available for inspection to specified interested persons (including the Department and the Internal Revenue Service) on request for a period of six years.

EBSA previously submitted the information collection provisions of PTE 91–38 to the Office of Management and Budget (OMB) for review in an ICR that was approved under the OMB Control No. 1210–0083. The current approval is scheduled to expire on July 31, 2006.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submission of responses.

III. Current Action

This notice requests comments on a proposed extension of the ICR included in PTE 91–38. The Department is not proposing or implementing changes to the existing ICR at this time. The following summarizes the ICR and the current burden estimates:

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Class Exemption 91–38; Exemption for Certain Transactions Involving Bank Collective Investment Funds.

OMB Number: 1210–0082.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Estimated Total Burden hours: 200.

Respondents: 1200.

Frequency of Response: On occasion.

Responses: 1200.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: April 10, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–5564 Filed 4–13–06; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Class Exemption 90–1, Pooled Separate Accounts

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that the Department can properly assess the impact of its information collection requirements on respondents and minimize the reporting burden (time and financial resources) on the public and that the public can understand the Department's collection instruments and provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on a proposed extension of the information collection request (ICR) incorporated in Prohibited Transaction Class Exemption (PTE) 90–1, Pooled Separate Accounts. A copy of the ICR may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section below on or before June 13, 2006.

ADDRESSES: Direct all written comments to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (210) 693–8410, FAX (202) 219–4745 (the foregoing are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

PT E 90–1 provides an exemption from certain provisions of the Employee Retirement Income Security Act of 1974 (ERISA) relating to transactions involving insurance company pooled separate accounts in which employee benefit plans participate. Without the

exemption, sections 406 and 407(a) of ERISA and section 4975(c)(1) of the Internal Revenue Code might prohibit a party in interest to a plan from furnishing goods or services to an insurance company pooled separate account in which the plan has an interest, or prohibit engaging in other transactions. Under the exemption, persons who are parties in interest to a plan that invests in a pooled separate account, such as a service provider, may engage in otherwise prohibited transactions with the separate account if the plan's participation in the separate account does not exceed specified limits and other conditions are met. These other conditions include a requirement that the party in interest not be the insurance company, or an affiliate thereof, that holds the plan assets in its pooled separate account or other separate account. The terms of the transaction to which the exemption is applied must be at least as favorable to the pooled separate account as those that would be obtained in a separate arms-length transaction with an unrelated party, and the insurance company must maintain records of any transaction to which the exemption applies for a period of six years. This ICR covers this recordkeeping requirement.

The Department previously submitted this information collection to the Office of Management and Budget (OMB) in an ICR that was approved under the OMB Control Number 1210–0083. The current approval is scheduled to expire on July 31, 2006.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submission of responses.

III. Current Action

This notice requests comments on the proposed extension of the ICR included in PTE 90–1. The Department is not proposing or implementing changes to the existing ICR at this time. The following summarizes the ICR and the current burden estimates:

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: PTE 90–1—Pooled Separate Accounts.

OMB Number: 1210–0083.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 130.

Frequency of Response: On occasion.

Responses: 130.

Estimated Total Burden Hours: 12.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: April 10, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–5566 Filed 4–13–06; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Exemption 97–41, Collective Investment Funds Conversion Transactions

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that the Department can properly assess the impact of its information collection requirements on respondents and minimize the reporting burden (in both time and financial resources) on the public and that the public can clearly understand the Department's information collection instruments and provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on a proposed extension of the information collection provisions of Prohibited Transaction Class Exemption 97–41, Collective Investment Funds Conversion Transactions. A copy of the Information Collection Request (ICR) may be obtained by contacting the office listed in the Addresses section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section below on or before June 13, 2006.

ADDRESSES: Direct all written comments to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (the foregoing are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Exemption (PTE) 97–41 provides an exemption from the prohibited transaction provisions of the Employment Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the by the Internal Revenue Code of 1986. The exemption permits employee benefit plans to purchase shares of one or more open-end investment companies (funds) registered under the Investment Advisers Act of 1940 by transferring in-kind, to the investment company, assets of the plan that are part of a collective investment fund (CIF) maintained by a bank or plan advisor that is both a fiduciary of the plan and an investment advisor to the investment company offering the fund.

The exemption requires that an independent fiduciary receive advance written notice of any covered transaction, as well as specific written information concerning the mutual funds to be purchased. The independent fiduciary must also provide written advance approval of conversion transactions and receive written confirmation of each transaction, as well as additional on-going disclosures as defined in PTE 97–41. These disclosures are the basis for this ICR.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

III. Current Action

This notice requests comments on the extension of the ICR included in PTE 97–41. The Department is not proposing or implementing changes to the existing ICR at this time. The following summarizes the ICR and the current burden estimates:

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: Prohibited Transaction Class Exemption 97–41, Collective Investment Funds Conversion Transactions.

OMB Number: 1210–0104.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Estimated Total Burden Hours: 2,625.

Respondents: 75.

Frequency of Response: On occasion.

Responses: 75.

Total Burden Cost (Operating and Maintenance): $187,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Dated: April 10, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–5567 Filed 4–13–06; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Class Exemption 94–20, Foreign Exchange Transactions

AGENCY: Employee Benefit Security Administration, DOL.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that the Department can properly assess the impact of its information collection requirements on respondents and minimize the reporting burden (time and financial resources) on the public and that the public can understand the Department's collection instruments and provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection provisions of Prohibited Transaction Class Exemption (PTE) 94–20, Foreign Exchange Transactions. A copy of the information collection request (ICR) may be obtained by contacting the office listed in the Addresses section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section below on or before June 13, 2006.

ADDRESSES: Direct all written comments to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (the foregoing are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

PTE 94–20 permits the purchase and sale of foreign currencies between an employee benefit plan and a bank, broker-dealer, or an affiliate thereof, that is a trustee, custodian, fiduciary, or other party in interest with respect to the plan. The exemption is available provided that the transaction is directed (within the meaning of section IV(e) of the exemption) by a plan fiduciary that is independent of the bank, broker-dealer, or affiliate and all other conditions of the exemption are satisfied. Without this exemption, certain aspects of these transactions might be prohibited by section 406(a) of ERISA. To protect the interests of participants and beneficiaries of the employee benefit plan, the exemption requires that the party wishing to take advantage of the exemption (1) develop written policies and procedures applicable to trading in foreign currencies on behalf of an employee benefit plan; (2) provide a written confirmation with respect to each transaction in foreign currency to the independent plan fiduciary, disclosing specified information; and (3) maintain records pertaining to the transaction for a period of six years. This ICR relates to the foregoing disclosure and recordkeeping requirements.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submission of responses.

III. Current Action

This notice requests comments on the extension of the ICR included in PTE 94–20. The Department is not proposing or implementing changes to the existing ICR at this time. The following summarizes the ICR and the current burden estimates:

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: Foreign Exchange Transactions; PTCE 94–20.

OMB Number: 1210–0085.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 239.

Frequency of Response: On occasion.

Responses: 1,195.

Estimated Total Burden Hours: 100.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Dated:April 10, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–5568 Filed 4–13–06; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request Prohibited Transaction Class Exemption 2004–07, Transactions With Trust REIT Shares

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that the Department can properly assess the impact of its information collection requirements on respondents and minimize the reporting burden (in both time and financial resources) on the public and that the public can clearly understand the Department's collection instruments and provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on a proposed extension of the information collection provisions in Prohibited Transaction Class Exemption (PTE) 2004–07, which concerns publicly traded shares of beneficial interest in real estate investment trusts structured under State law as business trusts. A copy of the information collection request (ICR) may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted on or before June 13, 2006.

ADDRESSES: Direct all written comments to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 693–8410; Fax: (202) 219–4745. These are not toll-free numbers. Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

PTE 2004–07 exempts from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code), the acquisition, holding, sale, and contribution in kind of publicly traded shares of beneficial interest in a real estate investment trust that is structured under State law as a business trust (Trust REIT), on behalf of and to individual account plans sponsored by the REIT or its affiliates, provided that certain conditions are met.

The exemption allows individual account plans (Plans) established by Trust REITS to offer a beneficial interest in the Trust REIT in the form of Qualifying REIT Shares, as defined in the exemption, to participants in Plans sponsored by the REIT or its employer affiliates, to require that employer contributions be used to purchase such shares, and to permit ''contributions in kind'' of such shares to these Plans by employers.

The exemption conditions relief on compliance with a number of information collection requirements. These information collections are to be provided or made available to plan participants and fiduciaries in order to inform them about investments in Qualifying REIT Shares and the conditions of the exemption permitting share transactions. Records sufficient to allow them to determine whether the exemption conditions are met must also be maintained, and made available to them upon request, for a period of six years. These records must also be made available on request to employers and employee organizations with employees and members covered by a Plan of the Trust REIT or one of its employer affiliates, and to authorized employees and representatives of the Department and the Internal Revenue Service. EBSA submitted an ICR for the information collections in PTE 2004–07 to the Office of Management and Budget (OMB) for review and clearance in connection with proposal of the class exemption, which was published in the **Federal Register** on June 3, 2003 (68 FR 33185). OMB approved the ICR under OMB control number 1210–0124. The ICR approval is currently scheduled to expire on July 31, 2006.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of the information collections included in PTE 2004–07 The Department is not proposing or implementing changes to the existing ICR at this time. A summary of the ICR and the current burden estimates follows:

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Prohibited Transaction Exemption 2004–07, Transactions with Trust REIT Shares.

OMB Number: 1210–0124.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 42.

Frequency of Response: On occasion; quarterly; annually.

Responses: 42.

Estimated Annual Costs (Operating and Maintenance): $6,400.

Estimated Total Annual Cost: $6,400.

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of the ICR; they will also become a matter of public record.

Dated: April 10, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–5569 Filed 4–13–06; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of ''General Inquiries to State Agency Contacts.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section below on or before June 13, 2006.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202–691–7628. (This is not a toll free number.)

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See Addresses section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics (BLS) awards funds to State agencies in the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and American Samoa (hereinafter referred to as the ''States'') in order to jointly conduct BLS/State Labor Market Information and Occupational Safety and Health Statistics cooperative statistical programs, which themselves have been approved by OMB separately, as follows:

Current Employment Statistics	1220–0011
Local Area Unemployment Statistics	1220–0017
Occupational Employment Statistics	1220–0042
Employment and Wages Report	1220–0012
Annual Refiling Survey	1220–0032
Multiple Worksite Report	1220–0134
Mass Layoff Statistics	1220–0090
Annual Survey of Occupational Injuries and Illnesses	1220–0045
Census of Fatal Occupational Injuries	1220–0133

(This list of BLS/State cooperative statistical programs may change over time.)

To ensure the timely flow of data and to be able to evaluate and improve the programs, it is necessary to conduct ongoing communications between the BLS and its State partners. Whether information requests deal with program deliverables, program enhancements, or administrative issues, questions and dialogue are crucial to the successful implementation of these programs.

II. Current Action

Office of Management and Budget (OMB) clearance is being sought for General Inquiries to State Agency Contacts. Information collected under this clearance is used to support the administrative and programmatic needs of jointly conducted BLS/State Labor Market Information and Occupational Safety and Health Statistics cooperative statistical programs.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: General Inquiries to State Agency Contacts.

OMB Number: 1220–0168.

Affected Public: State, local, or tribal government.

Total Respondents: 55.

Frequency: As needed.

Total Responses: 23,890.

Average Time per Response: 40 minutes.

Estimated Total Burden Hours: 15,762 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 4th day of April 2006.

Cathy Kazanowski,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. E6–5565 Filed 4–13–06; 8:45 am]

BILLING CODE 4510–24–P

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Sunshine Act Meeting

TIME AND DATE: 8 a.m. to 11 a.m., Thursday, April 27, 2006; 8 a.m. to 11 a.m., Friday, April 28; and 8 a.m.–10 a.m., Saturday, April 29.

PLACE: The Westward Look Resort, 245 East Ina Road, Tucson, AZ 85704.

STATUS: This meeting will be open to the public, unless it is necessary for the Board to consider items in executive session.

MATTER TO BE CONSIDER: The board will meet to review the Foundation's 5-yr. operating plan and discuss future program directions for the Foundations work.

PORTIONS OPEN TO THE PUBLIC: All sessions with the exception of the session listed below.

PORTIONS CLOSED TO THE PUBIC:
Executive session.

CONTACT PERSON FOR MORE INFORMATION:
Christopher L. Helms, Executive Director, 130 South Scott Avenue, Tuscon, AZ 85701, (520) 670–5529.

Dated: April 11, 2006.

Christopher L. Helms,

Executive Director, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Federal Register Liaison Officer.

[FR Doc. 06–3615 Filed 4–12–06; 10:04 am]

BILLING CODE 6820–FN–M

NATIONAL SCIENCE FOUNDATION

Business and Operations Advisory Committee; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Business and Operations Advisory Committee (9556).

Date/Time: May 18, 2006; 1 p.m. to 5:30 p.m. (EST). May 19, 2006; 8 a.m. to 12:30 p.m. (EST).

Place: National Science Foundation, 4201 Wilson Boulevard, Room 375.

Type of Meeting: Open.

Contact Person: Mary Ann Birchett, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8100.

Purpose of Meeting: To provide advice concerning issues related to the oversight, integrity, development and enhancement of NSF's business operations.

Agenda:

May 18, 2006

P.M.: Welcome and Introduction of new members; Updates—Office of Budget, Finance, and Award Management, Office of Information and Resource Management, Chief Information Officer activities. Presentation and Discussion—Workforce Planning; Organizational Excellence Assessment; NSF Strategic Plan; Committee Discussion.

May 19, 2006

A.M.: Presentation and Discussion—Organizational Excellence Assessment Follow-up; Report from Facilities Subcommittee; Merit Review Update; Committee Discussion; Meeting with NSF Deputy Director; Committee Discussion; Planning for next meeting; feedback; other business.

Date: April 11, 2006.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 06–3603 Filed 4–13–06; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Education and Human Resources (#1119).

Date/Time: May 3, 2006; 8:30 a.m. to 5 p.m. May 4, 2006; 8:30 a.m. to 12 p.m.

Place: The Westin Arlington Gateway Hotel, Louisa May Alcott Board Room, 801 North Glebe Road, Arlington, VA 22202.

Type of Meeting: Open.

Contact Person: James Colby, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–5331. If you are attending the meeting and need access to the NSF, please contact the individual listed above so your name may be added to the building access list.

Purpose of Meeting: To provide advice with respect to the Foundation's education and human resources programming.

Agenda:

May 3, 2006 (Wednesday)

Time/Activity

8 a.m. Assemble in Louisa May Alcott Board Room, Westini Arlington Hotel
8:30 a.m.
- Introduction of New Members
- Remarks by the Chair

9 a.m. Assistant Director's Report and Table Conversation
10 a.m. Break
10:15 a.m. Presentation on Proposed EHR Realignment, Table Discussion
Noon: Lunch (Place TBD)
1:30 p.m. Report on Evaluation Activities
2:15 p.m. NSF Strategic Plan Discussion
2:45 p.m. Break
3 p.m. EHR ''Big Ideas'' Discussion
4 p.m. COV Reports & Discussion
5 p.m. Recess

May 4, 2006 (Thursday)

Time/Activity

8 a.m. Assemble in Louisa May Alcott Board Room
8:30 a.m. Wrap up on Realignment Discussions
9:30 a.m. Question Development for Director, Deputy Director Visit
10:30 a.m. Break
11 a.m. Director, Deputy Director Visit
Noon: Closing Remarks
- Housekeeping Chore: set future meeting dates

12:30 p.m. Adjourn

Dated: April 11, 2006.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 06–3604 Filed 4–13–06; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271–OLA; ASLBP No. 04–832–02–OLA]

Atomic Safety and Licensing Board; In the Matter of Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station); Notice of Hearing and of Opportunity To Make Oral or Written Limited Appearance Statements Concerning Proposed Uprate

April 10, 2006.

Before Administrative Judges: Alex S. Karlin, Chairman, Dr. Anthony J. Baratta, Lester S. Rubenstein.

This proceeding concerns the September 10, 2003 application of Entergy Nuclear Vermont Yankee, L.L.C. and Entergy Nuclear Operations, Inc. (collectively, Entergy), for an amendment to the operating license for the Vermont Yankee Nuclear Power Station in Windham County, Vermont. Entergy seeks a license amendment authorizing it to increase the maximum power level of the plant from 1593 megawatts thermal (MWt) to 1912 MWt and to modify associated technical specifications of the license (collectively referred to as an ''uprate'').[1] This

[1] Commission regulations permit the NRC Staff to approve a license amendment and to authorize the licensee to implement the action (*e.g.*, the uprate), *prior* to the adjudicatory hearing *if* the NRC Staff determines that the amendment involves no ''significant hazard considerations.'' *See* 10 CFR 2.1202(a). That is what has happened in this case. On March 2, 2006, after finding that there are no significant hazard considerations associated with the Vermont Yankee uprate, the NRC Staff approved Entergy's request for the license amendment. *See* 71 FR 11682 (March 8, 2006). Entergy has already begun to implement the uprate. However, the NRC Staff decision shall have no effect on the responsibility and authority of this Board to rule on the validity of the objections raised by the intervenors herein. As the Commission recently explained, ''If the Board determines after full

Continued

Atomic Safety and Licensing Board hereby gives notice of two matters. First, pursuant to 10 CFR 2.315(a), the Board will entertain oral limited appearance statements from members of the public regarding the requested uprate. The limited appearance statement sessions will be held on June 26 and 27, 2006 in Brattleboro, Vermont. Second, pursuant to 10 CFR part 2, subpart L, the Board will convene an oral evidentiary hearing to receive evidence and to question witnesses concerning the admitted contentions. The evidentiary hearing will be held during the weeks of September 11, and October 16, 2006, at specific times and locations to be determined.

I. Background and Scope of Proceeding

On July 1, 2004, the Commission issued a notice of opportunity for a hearing on Entergy's license amendment request. 69 FR 39976 (July 1, 2004). Two requests for hearing and intervention petitions were filed—one by the Department of Public Service of the State of Vermont (State) and the other by the New England Coalition (NEC). Each sought, in accordance with 10 CFR 2.309, to interpose various contentions challenging the uprate application. The petitions were referred to this Atomic Safety and Licensing Board, consisting of Dr. Anthony J. Baratta, Lester S. Rubenstein, and Alex S. Karlin, to preside over this uprate proceeding. 69 FR 56797 (September 22, 2004).

On October 21 and 22, 2004, the Board conducted an initial prehearing conference in Brattleboro, Vermont, and on November 22, 2004, the Board found that the State and NEC had each established the requisite standing to intervene in this proceeding and that each had submitted at least one admissible contention concerning the Entergy application. LBP–04–28, 60 NRC 548 (2004).

At the present time four admitted contentions define the scope of this uprate proceeding and thus the appropriate scope of any limited appearance statements. The four contentions are as follows:

State Contention 1: Entergy has claimed credit for containment overpressure in demonstrating the adequacy of ECCS pumps for plant events including a loss of coolant accident in violation of draft General Design Criteria 44 and 52 and therefore Entergy has failed to demonstrate that the proposed uprate will provide adequate protection for public health and safety as required by 10 CFR 50.57(a)(3).

State Contention 2: Because of the current level of uncertainty of the calculation which the Applicant uses to demonstrate the adequacy of ECCS pumps, the Applicant has not demonstrated that the use of containment overpressure to provide the necessary net positive suction head for ECCS pumps will provide adequate protection for the public health and safety as required by 10 CFR 50.57(a)(3).

NEC Contention 3: The license amendment should not be approved unless Large Transient Testing is a condition of the Extended Power Uprate.[2]

NEC New Contention 4: The Entergy Vermont Yankee [ENVY] license application (including all supplements) for an extended power uprate of 20% over rated capacity is not in conformance with the plant specific original licensing basis and/or 10 CFR Part 50, Appendix S, paragraph I(a), and/or 10 CFR Part 100, Appendix A, because it does not provide analyses that are adequate, accurate, and complete in all material respects to demonstrate that the Vermont Yankee Nuclear Power Station Alternate Cooling System [ACS] in its entirety, in its actual physical condition (or in the actual physical condition ENVY will effectuate prior to commencing operation at EPU), will be able to withstand the effects of an earthquake and other natural phenomena without loss of capability to perform its safety functions in service at the requested increased plant power level.[3]

II. Notice of Limited Appearance Statement Sessions

A. Date, Time, and Location of Oral Limited Appearance Statement Sessions

The oral limited appearance sessions will be on the following dates, at the specified location and times:

1. *Date:* Monday, June 26, 2006.
Time: 6:30 pm. to 10:30 p.m.
Location: Latchis Theatre, 50 Main Street, Brattleboro, Vermont.

2. *Date:* Tuesday, June 27, 2006.
Time: 9 a.m. to 12 p.m. and 1:30 p.m. to 4 p.m.
Location: Same as Session 1 above.

B. Participation Guidelines for Oral Limited Appearance Statements

Any person who is not already a party will be permitted to make an oral statement setting forth his or her position on matters of concern related to this uprate proceeding.[4] The jurisdiction of this Board and the scope of this proceeding is limited to the uprate. Limited appearance statements will be transcribed but are not under oath or affirmation and do not constitute testimony or evidence. The purpose of limited appearance statements is to allow members of the public to alert the Board and the parties to areas relating to the uprate and the admitted contentions in which evidence may need to be adduced, and to assist the Board in its consideration of these issues.[5]

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as may be necessary to accommodate the speakers who are present.[6] If all scheduled and unscheduled speakers present at a session have made a presentation, the Board reserves the right to terminate the session before the ending times listed above.

In order to allow all interested persons an opportunity to address the Board, the time allotted for each oral limited appearance statement normally will be no more than five minutes, and may be further limited, depending on the number of written requests to make an oral statement that are submitted in accordance with section C below and/or the number of persons present at the designated times. At the outset of each statement, the speaker should identify himself or herself and specify if they have any affiliation (such as employment, consultancy, or membership) with any of the parties.

C. Submitting a Request to Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must either be mailed, faxed, or sent by e-mail so as to be received by 5 p.m. Eastern Daylight Time on Tuesday, June 20, 2006. The request must specify the session (Monday evening, Tuesday morning, or Tuesday afternoon) during which the requester

adjudication that the license amendment should not have been granted, it may be revoked (or conditioned).'' CLI–06–08, 63 NRC__, __ (slip op. at 3) (March 3, 2006).

[2] The first three contentions are specified at LBP–04–28, 60 NRC 548, 580 (2004).

[3] This contention is specified at LBP–05–32, 62 NRC 813, 827 (2005).

[4] The parties to this proceeding are Entergy Nuclear Vermont Yankee, L.L.C. and Entergy Nuclear Operations, Inc., the NRC Staff, the Department of Public Service of the State of Vermont, and the New England Coalition.

[5] *See* 10 CFR 2.315(a); *Iowa Electric Light & Power Co.* (Duane Arnold Energy Center), ALAB–108, 6 AEC 195, 196 n.4 (1973); 10 CFR part 2, Appendix A, § III(b) (2004), *deleted* Final Rule, *Changes to Adjudicatory Process,* 69 FR 2182, 2274 (January 14, 2004).

[6] Any members of the public who plan to attend either the evidentiary hearings or the limited appearance sessions are advised that security measures may be employed at the entrance to the hearing facility, including searches of hand-carried items such as briefcases or backpacks. In addition, no signs are permitted at the evidentiary hearing. However, signs no larger than 18″ by 18″ will be permitted during the limited appearance sessions, but may not be attached to sticks, held up, or moved about in the rooms. *Cf. Policy Statement on Enhancing Public Participation in NRC Meetings,* 67 FR 36,920, 36,923 (May 28, 2002).

wishes to make an oral statement. Based on its review of the requests received by June 20, 2006, the Licensing Board reserves the right to cancel or shorten any of the sessions (Monday evening, Tuesday morning or Tuesday afternoon) due to a lack of adequate public interest.

Written requests to make an oral statement should be submitted to:

Mail: Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Fax: (301) 415–1101 (verification (301) 415–1966).

E-mail: *hearingdocket@nrc.gov.*

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Alex S. Karlin, Chairman, c/o: Jonathan Rund, Esq., Law Clerk, Atomic Safety and Licensing Board Panel, Mail Stop T–3 E2C, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001.

Fax: (301) 415–5599 (verification (301) 415–6094).

E-mail: *jmr3@nrc.gov* and *ksv@nrc.gov.*

D. Written Limited Appearance Statements (In Lieu of Oral Statements)

A written limited appearance statement may be submitted to the Board regarding this proceeding at any time. Such statements should be sent to the Office of the Secretary using the methods prescribed above, with a copy to the Licensing Board Chairman. A person who has already filed a written limited appearance statement in this matter [7] is not required to resubmit it, but should notify the Board, as specified above, if he or she wishes to make an oral statement during the June sessions.

III. Notice of Evidentiary Hearing

In addition to the oral limited appearance statement sessions discussed above, the public is notified that this Board subsequently will conduct an evidentiary hearing on the four contentions admitted in this proceeding. The hearing will be governed by the ''Informal Hearing Procedures'' set forth in 10 CFR part, subparts C and L, *see* 10 CFR 2.300–2.390., 2.1200–2.1213, and is scheduled to take place during the weeks of September 11, and October 16, 2006. Although the precise dates and locations of the evidentiary hearings are yet to be determined, it is the Commission's policy and practice to hold them in the general vicinity of the site of the nuclear facility that is the subject of the proceeding, so that members of the public may attend.[8] *See* 10 CFR 2.328–2.329, 2.331. However, it appears that some of the contentions in this proceeding involve some proprietary commercial information, which would require that those portions of the evidentiary hearing be closed to the general public, with only the authorized parties able to attend.[9] The current plan is to hold the evidentiary hearings in Vermont, if possible, except for those portions of the proceeding that may need to be closed to the public, which may be held at NRC Headquarters in Rockville, Maryland. The Board will issue a subsequent order establishing the exact dates, times, and locations for the evidentiary hearing and copies of these rulings will be available to the public at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC Web site, *http://www.nrc.gov.*

IV. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room or electronically from the publicly available records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov.*

V. Scheduling Information Updates

Any updated/revised scheduling information regarding the evidentiary hearing and limited appearance sessions can be found on the NRC Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm* or by calling (800) 368–5642, extension 5036, or (301) 415–5036.

It is so *ordered.*

Dated at Rockville, Maryland, April 10, 2006.

For the Atomic Safety and Licensing Board.[10]

Alex S. Karlin,

Chairman, Administrative Judge.

[FR Doc. E6–5582 Filed 4–13–06; 8:45 am]

BILLING CODE 7590–01–P

[7] *See* Licensing Board Memorandum and Order (Scheduling Prehearing Conference Call and Oral Argument) at 2–3 (October 1, 2004) (unpublished).

[8] *See Exelon Generation Co., LLC* (Early Site Permit for Clinton ESP Site), Licensing Board Memorandum and Order (Denying Motion Requesting Reconsideration of Initial Prehearing Conference Location) at 2–3 (April 5, 2004) (unpublished); 10 CFR part 2, Appendix A, § I(a) (2004), *deleted* Final Rule, *Changes to Adjudicatory Process,* 69 FR 2182, 2274 (January 14, 2004).

[9] In accordance with 10 CFR 2.390, portions of a hearing may be closed to the public if the matters at issue involve the discussion of confidential or legally protected information.

[10] Copies of this order were sent this date by Internet e-mail transmission to the representatives for (1) licensees Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc.; (2) intervenors Vermont Department of Public Service and New England Coalition of Brattleboro, Vermont; and (3) the Staff.

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323]

Pacific Gas and Electric Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to the Facility Operating Licenses Nos. DPR–80 and DPR–82, issued to Pacific Gas and Electric Company (PG&E/the licensee) for operation of the Diablo Canyon Power Plant, Units 1 and 2 (DCPP) located in San Luis Obispo County, California.

The proposed amendments would delete Section 2F, ''Antitrust'' and Appendix C, ''Antitrust Conditions,'' from the facility operating licenses. According to the application, the antitrust license conditions impose what are known as the ''Stanislaus Commitments,'' which were derived from the licensing process for the proposed, but never completed, Stanislaus Nuclear Plant. The licensee indicates that, as reflected in a 2003 Commission decision (which subsequently was vacated), it appears to PG&E that there is no legal authority in the Atomic Energy Act of 1954, as amended (AEA or Act), or in the Nuclear Regulatory Commission's (NRC's) regulations, for the NRC to continue to impose these conditions absent PG&E's consent. Moreover, in light of changes in the electric industry, NRC imposition of these conditions and the prospect of NRC enforcement of these conditions are no longer necessary to serve their original intended purpose.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), § 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendments are administrative changes that do not involve a significant increase in the probability or consequences of an accident previously evaluated because the amendments do not involve any change in the design, configuration, or operation of the plant. All limiting conditions for operation, limiting safety system settings and safety limits specified in the technical specifications (TS) remain unchanged.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated because:

• The amendments do not involve any change in the design, configuration, or operation of the plant. The current plant design and design bases will remain the same. The current plant safety analyses remain complete and accurate in addressing the design basis events and in analyzing plant response and consequences.

• The limiting conditions for operations, limiting safety system settings and safety limits specified in TS are not affected by the change.

• The amendments do not introduce a new mode of plant operation or new accident precursors, do not involve any physical alterations to plant configurations, or make changes to system set points that could initiate a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendments do not involve a significant reduction in a margin of safety because:

• The amendments do not involve any change in the design, configuration, or operation of the plant. The change does not affect either the way in which the plant structures, systems, and components perform their safety function or their design and licensing bases.

• The amendments do not affect plant safety margins that are established through limiting conditions for operation, limiting safety system settings and safety limits specified in TS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendments before expiration of the 60-day period provided that its final determination is that the amendments involve no significant hazards consideration. In addition, the Commission may issue the amendments prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing or a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's

right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *hearingdocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing or petition for leave to intervene should also be sent to Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120, the attorney for the licensee.

For further details with respect to this action, see the application for amendments dated January 19, 2006, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 24th day of February 2006.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Plant Licensing Branch IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. E6–5595 Filed 4–13–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company and San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California, San Onofre Nuclear Generating Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G for Facility Operating License No. NPF–10 and NPF–15, issued to Southern California Edison (the licensee), for operation of the San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS 2 and 3), located in San Diego County, California. Therefore, as provided by 10 CFR 51.21 and 51.33, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

By letter dated January 28, 2005, the licensee submitted a license amendment request where, among other changes, the licensee requested the use of an alternate methodology for calculating the stress intensity factor K_{Im} due to internal pressure loading. As required by the safety evaluation on topical report Combustion Engineering (CE) Topical Report NPSD–683–A, Revision 6, dated March 16, 2001, the licensee, by its supplement dated January 12, 2006, included a request for an exemption from the requirements of 10 CFR Part 50, Appendix G for pressure temperature (P–T) limits since the alternate methodology applies the CE Nuclear Steam Supply System method for calculating K_{Im} stress intensity values.

The proposed action would exempt the licensee from certain requirements of Appendix G to 10 CFR Part 50 to allow the application of the methodology in CE NPSD–683–A, Revision 6, ''The Development of a RCS [Reactor Coolant System] Pressure and Temperature Limits Report for the

Removal of P–T Limits and LTOP [Low-Temperature Overpressure Protection] Setpoints from the Technical Specifications,'' for the calculation of flaw stress intensity factors due to internal pressure loadings (K_{Im}).

The Need for the Proposed Action

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule, based on the alternative methodology proposed in the licensee's amendment request. The proposed action would revise the currently-approved methodology for P–T limit calculations to incorporate the methodology approved for use in CE NPSD–683–A, Revision 6. The topical report allows the use of an alternate methodology to calculate the flaw stress intensity factors due to internal pressure loadings (K_{Im}). The exemption is needed because the methodology in CE NPSD–683–A, Revision 6, could not be shown to be conservative with respect to the methodology for the determination of K_{Im} provided in Editions and Addenda of ASME Code, Section XI, Appendix G, through the 1995 Edition and 1996 Addenda (the latest Edition and Addenda of the ASME Code which had been incorporated into 10 CFR 50.55a at the time of the staff's review of CE NPSD–683–A, Revision 6). Therefore, along with the supplement dated January 12, 2006, the licensee submitted an exemption request, consistent with the requirements of 10 CFR 50.60, to apply the K_{Im} calculational methodology of CE NPSD–683–A, Revision 6, as part of the SONGS 2 and 3 pressure temperature limit report (PTLR) methodology.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the reactor pressure vessel at SONGS 2 and 3. The details of the staff's safety evaluation will be provided in the exemption to Appendix G, which will allow the use of the methodology in Topical Report CE NPSD–683–A, Revision 6, to calculate the flaw stress intensity factors due to internal pressure loadings (K_{Im}), that will be issued in a future letter to the licensee.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the SONGS 2 and 3 dated May 12, 1981.

Agencies and Persons Consulted

On March 28, 2006, the staff consulted with the California State official, Steve Hsu of the Department of Health Services, Radiologic Health Branch, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's exemption letter dated January 28, 2005, as supplemented by letter dated January 12, 2006. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 7th day of April 2006.

For the Nuclear Regulatory Commission.

N. Kalyanam,

Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 06–3594 Filed 4–13–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Entergy Nuclear Operations, Inc. (Entergy) has submitted an application for renewal of Facility Operating License DPR–35 for an additional 20 years of operation at the Pilgrim Nuclear Power Station (Pilgrim). Pilgrim is located on the western shore of Cape Cod in the Town of Plymouth, Plymouth County, Massachusetts. It is 38 miles southeast of Boston, Massachusetts, and 44 miles east of Providence, Rhode Island.

The operating license for Pilgrim expires on June 8, 2012. The application for renewal was received on January 25, 2006, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) part 54. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the **Federal Register** on February 6, 2006 (71 FR 6101). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on March 27, 2006 (71 FR 15222). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as

defined in 10 CFR 51.29. In addition, as outlined in Title 36 of the *Code of the Federal Regulations* 800.8, ''Coordination with the National Environmental Policy Act,'' the NRC plans to coordinate compliance with section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Entergy submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is publicly available for inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the Public Electronic Reading Room on the NRC's Web site at *http://www.nrc.gov/reading-rm/adams/web-based.html*. The Accession Number for the ER is ML060830611. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr@nrc.gov*. In addition, the Plymouth Public Library, located at 132 South Street, Plymouth, MA 02360 and the Duxbury Free Library, located at 77 Alden Street, Duxbury, MA 02332 have agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' (NUREG–1437) related to the review of the application for renewal of the Pilgrim operating license for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with National Environmental Policy Act of 1969 (NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Entergy Nuclear Operations, Inc. (Entergy).

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the Pilgrim license renewal supplement to the GEIS. The scoping meetings will be held at the Radisson Hotel Plymouth Harbor Ballroom, 180 Water Street, Plymouth, MA 02360, on May 17, 2006. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each meeting at the same location. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting the NRC Environmental Project Manager Mr. Robert Schaaf, by telephone at 1–800–368–5642, extension 1312, or by e-mail to the NRC at *PilgrimEIS@nrc.gov* no later than May 12, 2006. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Schaaf will need to be contacted no later than May 3, 2006, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the Pilgrim license renewal review 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, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the NRC at

Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by June 16, 2006. Electronic comments may be sent by e-mail to the NRC at *PilgrimEIS@nrc.gov* and should be sent no later than June 16, 2006, to be considered in the scoping process. Comments will be available electronically and accessible through NRC's ADAMS link at *http://www.nrc.gov/reading-rm/adams.html* at the NRC Homepage.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice (71 FR 15222). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in NRC's ADAMS link at *http://www.nrc.gov/reading-rm/adams.html*. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Mr. Schaaf at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 7th day of April 2006.

For the Nuclear Regulatory Commission.

Rani Franovich,

Branch Chief, Environmental Branch B, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. E6–5596 Filed 4–13–06; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Privacy Act of 1974; New and Revised Systems of Records, and Deletion of a Duplicative System of Records

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice.

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the Occupational Safety and Health Review Commission (OSHRC) is proposing in this notice the addition of a new system of records; the bifurcation of an existing system of records; the deletion of a duplicative system of records; and revisions to preexisting systems of records, including the addition of new routine uses.

DATES: Comments must be received by the OSHRC by May 15, 2006. The new and revised systems of records will become effective on June 13, 2006, without any further notice in the **Federal Register**, unless comments or government approval procedures necessitate otherwise.

ADDRESSES: The Commission will accept and consider all written comments. Submit any written comments by mail or fax to Ron Bailey, Attorney Advisor, Office of General Counsel, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457; Fax Number, (202) 606–5417.

FOR FURTHER INFORMATION CONTACT: Ron Bailey, Attorney Advisor, Office of General Counsel, (202) 606–5410, *rbailey@oshrc.gov*.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, 5 U.S.C. 552a(e)(4), requires federal agencies such as OSHRC to propose additions and revision to its systems of records in a **Federal Register** publication. As detailed below, OSHRC is proposing the addition of a new system of records; the bifurcation of an existing system of records; the deletion of a duplicative system of records; and revisions to preexisting systems of records, including the addition of new routine uses. OSHRC is also proposing changes, both superficial and substantive, to its blanket routine uses.

I. Blanket Routine Uses

OSHRC's current Blanket Routine Uses (BRUs) are published in 66 FR 42689 (Aug. 14, 2001). OSHRC proposes the following changes to its BRUs.

In the sentence preceding the list of BRUs, OSHRC would add the qualification that records will be disclosed as a routine use only if ''disclosure of the record or information is compatible with the purpose for which the record or information was collected.'' As the definition of ''routine use'' includes this compatibility requirement, see 5 U.S.C. 552a(a)(7), it should apply to all BRUs.

For the purpose of streamlining the notice, OSHRC would combine BRUs 1 and 2. Despite the merger, the categories of users and the purposes for using any disclosed records would remain the same. OSHRC would reword the first sentence of BRU 3 to clarify the scope of the routine use, but again, the categories of users and the purposes for using any disclosed records would not change. OSHRC would broaden BRUs 4 and 5 to include records relevant to OSHRC decisions concerning appointment of employees, suspension or revocation of security clearances, and the execution of security or suitability investigations. The current versions of these BRUs include decisions concerning the hiring or retention of employees, and the issuance of security clearances, but fail to reference the related areas of decision-making noted above.

OSHRC would add a sentence to the end of BRU 6, notifying the reader that ''[r]ecords will be disclosed only to the extent that the information is relevant and necessary to the case or matter.'' OSHRC would add a similar qualification to BRU 8. These qualifications reflect the importance of protecting an individual's records from unnecessary disclosures. Moreover, the Privacy Act could be read to require that disclosure, pursuant to a routine use, may occur only when relevant and necessary to accomplish a mandated purpose: Section 552a(e)(1) instructs an agency to ''maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President''; because the Privacy Act defines ''maintain'' as including ''maintain, collect, use, or disseminate,'' the requirement stated in (e)(1) seemingly applies to the dissemination of records via routine uses.

OSHRC would edit the language in BRU 10 to more precisely reflect when records may be disclosed. The BRU would also be modified to require written requests from the subjects of the records. Also, OSHRC would modify BRU 12 to reflect that, pursuant to 44 U.S.C. 2904 and 2906, the National Archives and Records Administration (NARA) handles records management inspections.

Finally, OSHRC would renumber BRUs 1 and 2 as BRU 1, decrease BRU 3 through BRU 10 by one in number, and renumber BRU 12 as BRU 10. OSHRC would also makes several minor changes in wording, such as exclusively using ''OSHRC,'' rather than referring to OSHRC as both ''the Review Commission'' and ''OSHRC.''

II. Deleted System of Records

In accordance with the directive of Office of Management and Budget (OMB) Circular No. A–130, OSHRC proposes deleting the system of records, ''Applications for Employment,'' OSHRC–3, because such records are covered by the Office of Personnel Management's (OPM's) government-wide system of records, ''Recruiting, Examining and Placement Records,'' OPM/GOVT–5, 61 FR 36929, July 15, 1996. These records are exempted as claimed in 5 CFR 297.501(b)(7).

III. New and Revised Systems of Records

OSHRC conducted a review of the systems of records that it presently maintains. OSHRC's review uncovered one system of records—a visitors' log—that is not included in OSHRC current system-of-records notice. OSHRC proposes creating a new system for these records and designating it as OSHRC–9. OSHRC also proposes creating a separate system for public transportation benefit records, which presently are part of the system ''Payroll and Related Records,'' and designating it as OSHRC–3.

OSHRC proposes the following general revisions to preexisting systems of records. First, OSHRC would revise the system locations and system managers in the notice to reflect changes in office names and position titles and, where appropriate, to make reference to OSHRC's offices in Atlanta, Georgia, and Denver, Colorado. Second, having reviewed the authority for maintaining each system, OSHRC would make various changes that mostly consist of citing additional authority or a more specific provision, or modifying a citation to reflect that the provision has been renumbered or superseded. Third, OSHRC would modify the explanations for notification, record access, and contesting record procedures to include citations to the relevant regulatory provisions. Fourth, as to each system of records in the notice, OSHRC would add the section, ''Security Classification,'' and note that the security classification for each system of records is ''none.'' Adding this section to each system would standardize the data elements included in the notice, as the section is already included in the latest notice covering systems OSHRC–7 and OSHRC–8, see 70 FR 68479, Nov. 10, 2005. Fifth, OSHRC would modify retention and disposal policies to be in accordance with NARA's General Records Schedule (GRS) requirements. Finally, OSHRC would correct various grammatical errors and reword sentences for clarification. In addition to these general revisions, OSHRC is also proposing changes to other matters in each preexisting system of records that warrant more detailed explanations.

As to ''Travel Records,'' OSHRC–1, OSHRC proposes the following changes. First, OSHRC would use more precise language and provide additional details in order to clarify the categories of individuals covered by the system of records and the records included therein. Second, OSHRC would modify the ''purpose'' section to include ''planning, authorizing, and tracking employees' official travel, and processing travel vouchers and other travel-related payments.'' Third, OSHRC would delete the routine use that authorizes disclosure of records to ''agency employees for budget preparation purposes'' because the routine-use exception, section 552a(b)(3), was not intended to include intra-agency disclosures, see OMB Guidelines, 40 FR 56741, 56742, December 4, 1975. Rather, such disclosures are covered by section 552a(b)(1), which pertains to disclosures to employees ''who have a need for the record in the performance of their duties.'' Fourth, OSHRC would delete the routine use authorizing disclosure of records to ''Members of Congress in their oversight capacity,'' because this use is covered by section 552a(b)(10), and to the extent that section 552a(b)(10) does not apply to specific Members of Congress, this routine use is covered by BRU 10 (BRU 9 in the proposed notice). Finally, OSHRC would delete the routine use that authorizes disclosure ''to other agencies, as appropriate,'' because this use is probably too broad, and it is doubtful that ''as appropriate'' constitutes a permissible purpose, see *Britt* v. *Naval Investigative Service*, 886 F.2d 544, 547 (3d Cir. 1989).

As to ''Lists for News Releases, Speeches, Booklets, Reports,'' OSHRC–2, OSHRC proposes the following changes. OSHRC would delete the routine use authorizing disclosure of records ''[t]o agency employees for information dissemination,'' as this use is covered by section 552a(b)(1). OSHRC would modify the routine use authorizing disclosure of records ''to other agencies, as appropriate,'' to require a written request, and to limit disclosure to instances that are ''compatible with the purpose for which the record or information was collected.''

As to ''Payroll and Related Records,'' OSHRC–4, OSHRC proposes the following changes. First, OSHRC would provide additional details about what categories of records are included in this system. The current notice merely lists documents without specifying what personal identifying information is included therein. Second, OSHRC would add a variety of routine uses, including disclosure of records to the U.S. Department of Agriculture, National Finance Center (NFC), the entity with which OSHRC has contracted to provide various payroll services; disclosure of records to other agencies pursuant to various debt collection and computer matching statutes that have been enacted over the last couple decades; disclosure of records (via NFC) to certain federal agencies and other relevant entities for purposes of maintaining records on issues related to taxes and benefits; and disclosure of records to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 653(n). As to this last routine use, OSHRC would adopt the language recommended by OMB in ''Privacy Act Responsibilities for Implementing the Personal Responsibility and Work Opportunity Reconcilation Act of 1996,'' Nov. 3, 1997, *available* at *http://www.whitehouse.gov/omb/inforeg/katzen_prwora.pdf.* Third, OSHRC would revise the explanation of how records are stored, noting that records submitted electronically to NFC are backed up on a floppy disk, which is stored with the paper records. Finally, OSHRC would provide additional details pertaining to the safeguarding of records, explaining how records located on personal computers are protected, and how records regarding OSHRC employees are maintained by NFC.

As to ''Cases Pending in General Counsel's Office,'' OSHRC–5, OSHRC proposes the following changes. First, OSHRC would rename the system ''Office of the General Counsel Records,'' as this better reflects the various records that this system includes. Second, OSHRC would expand the categories of individuals covered by this system because some of the records maintained by OGC's Office include references to Commissioners, Administrative Law Judges, FOIA

requesters, and parties to OSHRC cases, in addition to the categories of individuals mentioned in the current notice. Third, OSHRC would include additional records in this system to account for work product maintained by attorney advisors and supervisors on personal computers and information related to FOIA requests, as well as other unforeseen legal matters that may require OGC's Office to maintain personal identifiable information. Fourth, OSHRC would revise the purpose of this system to reflect the variety of matters handled by OGC's Office and to account for staff members' use of personal computers to organize their work product. Fifth, OSHRC would delete the routine uses that pertain to intra-agency disclosures because, as previously mentioned, such disclosures are covered by section 552a(b)(1). Finally, OSHRC would revise its policy for storage, retention and disposal, and safeguarding to reference the additional records that OSHRC proposes including in this system.

As to ''Case Management/Tracking System,'' OSHRC–6, OSHRC proposes the following changes. First, in addition to records in the electronic tracking system, OSHRC would include the original case files and various lists used for administrative purposes in the system of records. Also, OSHRC would revise the notice to reflect that the Executive Secretary's Office maintains many of these files. Second, OSHRC would revise the categories of individuals covered by this system to include parties in cases that have been, or presently are, before OSHRC, in addition to Commission members, ALJs, and representatives participating in those cases. OSHRC would also omit information that is irrelevant to which categories of individuals are covered by the system. Third, OSHRC would list the categories of records that are currently maintained in the case tracking system, some of which are included in the current notice, and would also include the categories of records maintained by the Executive Secretary's Office. Fourth, OSHRC would revise the ''purpose'' section of the notice to explain that the records in this system are maintained for the purpose of processing OSHRC cases. Fifth, OSHRC would delete the routine uses that pertain to intra-agency disclosures because, as previously mentioned, such disclosures are covered by section 552a(b)(1). Also, OSHRC would add routine uses authorizing disclosure of records to a bar association or similar federal, state, or local licensing authority for a possible disciplinary action; and, in accordance with 29 U.S.C. 661(g), disclosure of records to the public for the purpose of inspecting and/or copying the records. Sixth, OSHRC would revise its storage and safeguarding policies to reflect that paper case files are maintained in a room protected by smartcard technology, and that the Executive Secretary's Office may maintain some records on personal computers. Seventh, OSHRC would revise the notice to describe the various methods by which electronic records can be retrieved using the case tracking system because the description in the current notice is no longer accurate. Finally, OSHRC would explain how records maintained by the Executive Secretary's Office are retrieved.

OSHRC's proposed BRUs and systems of records are published in their entirety below.

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OSHRC–4 Payroll and Related Records
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OSHRC–6 Case Management/Tracking System
OSHRC–7 Personnel Security Records
OSHRC–8 Identification Card and Office Key Distribution Records
OSHRC–9 Visitors' Log Records

Government-Wide System-of-Records Notices

In addition to the internal systems of records described below, OSHRC also maintains certain records covered by government-wide systems of records. Government-wide systems of records are established by Federal agencies, such as the Office of Personnel Management (OPM) and the Government Accountability Office (GAO), responsible for government-wide functions. These systems are described in notices published by the establishing agency. While the establishing agency creates and administers the systems, the actual records are physically maintained at agencies throughout the government, such as OSHRC. Requests for OSHRC records covered by a government-wide system of records should be directed to OSHRC. In accordance with the directive of Office of Management and Budget (OMB) Circular No. A–130, OSHRC is not providing notice of internal systems of records that wholly or partly duplicate existing government-wide systems of records.

Blanket Routine Uses

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), including the specific routine uses set forth for each system of records, OSHRC may disclose a record or information in a Privacy Act system of records under 5 U.S.C. 552a in the following circumstances, provided that disclosure of the record or information is compatible with the purpose for which the record or information was collected.

(1) It shall be a blanket routine use of the records in OSHRC's systems of records to disclose them to the Department of Justice (DOJ), or to a court or adjudicative body before which OSHRC is authorized to appear, when:

(a) OSHRC, or any of its components; or

(b) Any employee of OSHRC in his or her official capacity; or

(c) Any employee of OSHRC in his or her individual capacity where the DOJ (or OSHRC where it is authorized to do so) has agreed to represent the employee; or

(d) The United States, where OSHRC determines that litigation is likely to affect OSHRC or any of its components, is a party to litigation or has an interest in such litigation, and OSHRC determines that the use of such records by DOJ, or by a court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation.

(2) In the event that a record in OSHRC's systems of records indicates on its face, or in conjunction with other information, a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or order issued pursuant thereto, the relevant record may be referred, as a blanket routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) A record from an OSHRC system of records may be disclosed as a blanket routine use to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an OSHRC decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a

contract; or the issuance of a license, grant or other benefit.

(4) In response to a request from a Federal, state, or local agency, a record from an OSHRC system of records may be disclosed as a blanket routine use to the requesting agency if the record is sought in connection with the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a license, grant or other benefit by the requesting agency. Records will be disclosed only to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

(5) A record from an OSHRC system of records may be disclosed as a blanket routine use to an authorized appeal grievance examiner, formal complaints manager, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. Records will be disclosed only to the extent that the information is relevant and necessary to the case or matter.

(6) A record from an OSHRC system of records may be disclosed as a blanket routine use to OPM in accordance with the agency's responsibilities for evaluation and oversight of federal personnel management.

(7) A record from an OSHRC system of records may be disclosed as a blanket routine use to officers and employees of a Federal agency for the purpose of conducting an audit, but only to the extent that the record is relevant and necessary to this purpose.

(8) The information contained in an OSHRC system of records may be disclosed to the OMB in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process, as set forth in Circular No. A–19.

(9) A record in an OSHRC system of records may be disclosed as a blanket routine use to a Member of Congress or to a person on his or her staff acting on the Member's behalf when a written request is made on behalf and at the behest of the individual who is the subject of the record.

(10) A record in an OSHRC system of records may be disclosed as a blanket routine use to the National Archives and Records Administration (NARA) for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906.

OSHRC–1

SYSTEM NAME:

Travel Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Administration, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers current and former OSHRC employees who have traveled pursuant to authorized official OSHRC business.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes travel expense records, such as vouchers and receipts, and records pertaining to destinations, itinerary, mode of transportation, purpose, and dates of travel. These records may reference an employee's name, mailing address, and social security number (as of May 2005, only the last four digits of an employee's social security number are printed on travel authorizations and vouchers).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701 *et seq.*; 29 U.S.C. 661; 44 U.S.C. 3101.

PURPOSE(S):

This system of records is maintained for the purposes of planning, authorizing, and tracking employees' official travel, and processing travel vouchers and other travel-related payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Blanket Routine uses.

Records disclosed to the Bureau of the Public Debt's Administrative Resource Center, the travel service provider under contract with OSHRC, are covered by GSA/GOVT–4, see 69 FR 75980, December 20, 2004. Records disclosed pursuant to the Travel Charge Card Program are covered by GSA/GOVT–3, see 69 FR 4517, January 30, 2004.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file cabinets.

RETRIEVABILITY:

Records can be retrieved manually by name.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with NARA's General Records Schedule (GRS) requirements for travel records. See GRS 9, Items 3 and 4.

SAFEGUARDS:

Records are maintained in file cabinets. During duty hours, records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant (Budget), Office of Administration, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Washington, Ninth Floor, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–2

SYSTEM NAME:

Mailing Lists for News Releases, Speeches, Booklets, Reports.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Public Information Office, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers all persons who are sent information about OSHRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains individuals' addresses, business affiliations, and the information they desire to receive.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 29 U.S.C. 661; 44 U.S.C. 3101.

PURPOSE(S):

This system of records is maintained for the purpose of disseminating information pertaining to OSHRC, such as information related to the hiring of personnel, case dispositions, procedures, speeches, and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the Blanket Routine Uses discussed above, disclosures may be made to other Federal agencies, upon written request, if disclosure of the record or information is compatible with the purpose for which the record or information was collected. Under no circumstances, however, will OSHRC sell or rent an individual's name or address unless such action is specifically authorized by law, 5 U.S.C. 552a(n).

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file cabinets and electronically on personal computers.

RETRIEVABILITY:

Records can be retrieved manually and electronically by name.

RETENTION AND DISPOSAL:

Records are maintained indefinitely unless an individual requests that his or her reference be deleted, in which case the reference is disposed of immediately.

SAFEGUARDS:

Paper records are maintained in metal file cabinets. During duty hours, records are under surveillance of personnel charged with their custody, and after duty hours, records are secured behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions. Electronic records are maintained on personal computers secured in offices under surveillance of personnel charged with custody of the records. After duty hours, personal computers are secured behind locked doors. Access to personal computers is limited to personnel having a need for access to perform their official functions and is additionally restricted through password identification procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Public Information Officer, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system either comes from the individual to whom it applies or is derived from private source directories.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–3

SYSTEM NAME:

Public Transportation Benefit Program Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Administration, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers all employees enrolled in the Public Transit Subsidy Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes information submitted by current and former participants via the OSHRC Transit Form and Transportation Subsidy Application. These forms contain the employee's name and social security number. The system also contains certification forms used to document the disbursement of subsidies, which include the employee's name and signature, and the subsidy amount requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 661; Executive Order 13150.

PURPOSE(S):

This system of records is maintained for the purpose of documenting an employee's participation in the Public Transit Subsidy Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the Blanket Routine Uses discussed above, pursuant to sections 5 and 10 of the Debt Collection Act of 1982, 5 U.S.C. 5514(a), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3716, records relating to the implementation of the Act may be disclosed to other Federal agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States. Records may also be disclosed to provide information as necessary to other federal, state, local or foreign agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals. When disclosures are made as part of computer matching programs, OSHRC will comply with the Computer Matching and Privacy Protection Act of 1988, and the Computer Matching and Privacy Protections Amendments of 1990.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file cabinets.

RETRIEVABILITY:

Records can be retrieved manually by name.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with NARA's GRS requirements for transportation subsidy records. See GRS 9, Item 7.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. During duty hours, the records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant (Budget), Office of Administration, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system of records comes from applicants to, and current and former participants in, the Public Transit Subsidy Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–4

SYSTEM NAME:

Payroll and Related Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(1) Paper files and electronic files are maintained by various offices within OSHRC, including the Office of the Executive Secretary, the Office of Administration, the Office of the Chief Administrative Law Judge, and the Office of the General Counsel, located at 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457; and OSHRC offices located at 100 Alabama Street, SW., Building 1924, Room 2R90, Atlanta, GA 30303–3104, and 1244 North Speer Boulevard, Room 250, Denver, CO 80204–3582. (2) Pursuant to an interagency agreement, records are also located at the U.S. Department of Agriculture, National Finance Center (NFC), P.O. Box 60000, New Orleans, LA 70160–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers current and former employees of OSHRC and Commission members.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained in this system, and the categories of records referenced therein, are as follows. (1) Time and attendance sheets include the employee's name and social security number; the employee's and timekeeper's initials and the supervisor's signature; the timekeeper's Time and Attendance contact point; the number of hours worked by the employee during each pay period; and the amount of leave accrued and used during the pay period, and the total amount of leave available to the employee. (2) Flexitime sign-in reports include the employee's name, and the time at which the employee starts and leaves work each day during the pay period. (3) Records pertaining to requests for leave or an approved absence include the employee's name, the date(s) for which leave is requested, the type of leave requested, the purpose for using sick leave (examination, care of family member or bereavement, or other), and whether leave is used pursuant to the Family Medical Leave Act. (4) Direct deposit records include the employee's name and signature, address, and telephone number; the type of depositor account selected for direct deposit, and the account and routing numbers; and a voided check. (5) Tax records include the employee's name and signature, social security number, marital status, and address; the number of allowances for which the employee qualifies; and further information which may be required on state, county, or city withholding certificates. And (6) other records related to payroll, such as those pertaining to deductions (e.g., Combined Federal Campaign Designations), may include some or all of the information specified above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5516, 5517, 5520; 26 U.S.C. 6011, 6109; 29 U.S.C. 661; 44 U.S.C. 3101.

PURPOSE(S):

Records are used by OSHRC and NFC employees to maintain adequate payroll information for OSHRC employees and Commission members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The following routine uses may result in disclosures of records maintained in this system:

1. See Blanket Routine Uses.

2. Records may be disclosed to the Internal Revenue Service (IRS) for investigation, and to private attorneys, pursuant to a power of attorney.

3. A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, may be disclosed to the IRS.

4. A copy of an employee's Form W–2 may be disclosed to state, city, or other local jurisdictions which are authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or in response to a written request from an appropriate official of the taxing jurisdiction. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

5. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certifications shall be furnished the city in response to written requests from an appropriate city official to the Office of Administration.

6. Records may be disclosed to NFC to effect issuance of paychecks or electronic fund transfers (EFT) to employees, and distribution of allotments and deductions to financial and other institutions, and for other authorized purposes.

7. Records may be disclosed to the Thrift Savings Board to update Section 401K type records and benefits; to the Social Security Administration to establish social security records and benefits; to the Department of Labor to process workmen's compensation claims; to the Department of Defense to adjust military retirement; to employee unions to credit accounts for employees with union dues deductions; to health insurance carriers to process insurance claims; and to the Department of Veterans Affairs for the purpose of evaluating veteran's benefits to which the individual may be entitled.

8. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996, records relating to the implementation of the Act may be disclosed to other federal agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States, see 5 U.S.C. 5514(a); 5 U.S.C. 3716.

9. Records may be disclosed to provide information as necessary to other federal, state, local or foreign agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals. When disclosures are made as part of computer matching programs, OSHRC will comply with the Computer Matching and Privacy Protection Act of 1988, and the Computer Matching and Privacy Protections Amendments of 1990.

10. The names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and state of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 653(n).

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) in accordance with 31 U.S.C. 3711(f).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file cabinets and electronically at OSHRC's Denver, Atlanta, and Washington, DC offices. Records are also stored electronically at NFC; backups of these records are stored on floppy disks, which are maintained with the paper records in the file cabinets.

RETRIEVABILITY:

Records are retrieved manually and electronically by name and/or social security number.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with NARA's GRS requirements for payroll-related records. See GRS 2.

SAFEGUARDS:

Paper records are maintained in file cabinets. During duty hours, the records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions. Electronic records are maintained by OSHRC on personal computers, which are secured in offices under surveillance of personnel charged with custody of the records.

OSHRC sends time and attendance information electronically to its contractor, NFC, which is located in a secured federal complex. Within this secured building, the Computer Operations Center is located in a controlled access room. Specific employees have been identified as system and database administrators having specific responsibilities allowing access to OSHRC personnel and payroll data. Security is embedded within the software in both the operating system and at the application level. Individuals not granted access rights cannot view or change data. The database is monitored by software applications that provide audits of log-ins, both successful and failed. Backups of the information provided to NFC may also be stored on floppy disks, which are maintained with the paper records in the file cabinets at OSHRC.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Management Specialist, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system either comes from the individual to whom it applies or is derived from information compiled by OSHRC employees performing administrative duties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–5

SYSTEM NAME:

Office of the General Counsel Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the General Counsel (OGC), OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers OSHRC attorneys (including supervising attorneys); Commission members; Administrative Law Judges (ALJs); Freedom of Information Act requesters; and parties in cases that have been, or presently are, before OSHRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains cases and other matters before OSHRC that have been assigned to OGC for processing. A pending case list is maintained that references the case name; the case docket number; OSHRC attorneys (including supervising attorneys) who most recently have been assigned to work on the case; and the most recent dates of the various stages in the progress of the case, starting with assignment to OGC and ending with issuance of a decision. Additional records relevant to cases that are, or were, pending before OSHRC may reference the aforementioned personal identifying information, as well as the names of Commission members and ALJs. Finally, records may also reference the names of individuals relevant to matters unrelated to OSHRC cases, such as FOIA requesters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 29 U.S.C. 661; 44 U.S.C. 3101.

PURPOSE(S):

This system of records is maintained to assist management in making decisions with respect to case processing activities, and other matters, such as FOIA requests; and to assist OSHRC attorneys in organizing their work product.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Blanket Routine Uses.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Pending case lists are maintained on personal computers and on paper in report form in file cabinets. Other records in this system are maintained electronically on personal computers.

RETRIEVABILITY:

Pending case lists may be retrieved manually and electronically by case name, docket number, date of case activity, or name of attorney or supervising attorney. Other records may be retrieved electronically by case name, by the Commission member's or ALJ's name, or by the names of other individuals, such as FOIA requesters.

RETENTION AND DISPOSAL:

Records are maintained indefinitely on personal computers, and paper reports generated from the system are kept for as long as needed for case management purposes.

SAFEGUARDS:

Paper records are maintained in file cabinets. During duty hours, the records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions. Electronic records are maintained on personal computers secured in offices under surveillance of personnel charged with custody of the records. After duty hours, personal computers are secured behind locked doors. Access to personal computers is limited to personnel having a need for access to perform their official functions and is additionally restricted through password identification procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the General Counsel, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system is derived from the individual to whom it applies or is derived from case processing records maintained by the Office of the Executive Secretary and the Office of the General Counsel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–6

SYSTEM NAME:

Case Management/Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Electronic records are maintained by the Information Technology Office, and paper records are maintained by the Office of the Executive Secretary, both of which are located at 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers (1) ALJs; (2) Commission members; (3) representatives, and parties in cases that have been, or presently are, before OSHRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case tracking system contains the following information in its electronic database: (1) The names, office telephone numbers, and/or office addresses of those covered by the system of records; (2) the names of OSHRC cases, and information associated with the cases, such as the inspection number, the docket number, the state in which the action arose, and the names of the representatives; (3) events occurring in cases and the dates on which the events occurred; and (4) documents filed in cases and the dates on which the documents were filed. Although the electronic records also include the names of OSHRC employees who enter each case record, and the date each record is initially entered and last modified, the names of these employees cannot be retrieved using their personal identifiable information.

Case files contain hard copies of the documents referenced in the tracking system. Various paper and electronic administrative records pertaining to the case files may reference docket numbers and the names or initials of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 661.

PURPOSE:

This system of records is maintained for the purpose of processing cases that are before OSHRC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the Blanket Routine Uses discussed above, when considered

appropriate, records in this system may be referred to a bar association or similar federal, state, or local licensing authority for a possible disciplinary action. Also, in accordance with 29 U.S.C. 661(g), OSHRC's case files may be disclosed to the public for the purpose of inspecting and/or copying the records.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records contained in the case tracking system are stored on a computer file server. Paper records and other electronic records are stored in the records room, in file cabinets, and on personal computers.

RETRIEVABILITY:

Electronic records contained in the case tracking system may be retrieved by docket number, inspection number, or state, or by any part of a representative's name or the case name. Case files may be retrieved manually by docket number, and related electronic and paper records may be retrieved electronically or manually by name and/or docket number.

RETENTION AND DISPOSAL:

Electronic records contained in the case tracking system are maintained indefinitely on a computer file server. Other electronic and paper records are maintained in accordance with the General Record Schedule.

SAFEGUARDS:

The computer file server is located in a locked room which requires a coded password for access. Access to the server is limited to personnel having a need for access to perform their official functions. In addition, server access requires network authentication at the server and application levels.

Paper records are maintained in a records room that can only be accessed using a smartcard or a key. Some paper records are also maintained in file cabinets. During duty hours, these records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Some electronic records are maintained on personal computers secured in offices under surveillance of personnel charged with custody of the records. After duty hours, personal computers are secured behind locked doors. Access to personal computers is limited to personnel having a need for access to perform their official functions and is additionally restricted through password identification procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Information Technology Specialist (case tracking system records) and the Executive Secretary (all other records), 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system is derived from the individual to whom it applies or is derived from case processing records maintained by the Office of the Executive Secretary and the Office of the General Counsel, or from information provided by the parties who appear before OSHRC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–7

SYSTEM NAME:

Personnel Security Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Office of the Administrator at each OSHRC location maintains the records for its employees and contractors. The central office is located at 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. The branch offices are located at 100 Alabama Street, SW., Building 1924, Room 2R90, Atlanta, GA 30303–3104; and 1244 North Speer Boulevard, Room 250, Denver, CO 80204–3582.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers individuals who require long-term access to federally controlled buildings and federally controlled information systems. Specifically, the categories of individuals covered by this system of records include: (1) Federal employees, as defined under 5 U.S.C. 2105, within OSHRC; (2) individuals employed by, detailed to, or assigned to OSHRC; (3) short-term employees of OSHRC, whose terms are for 6 or more months; and (4) individuals under contract to OSHRC, requiring routine access to OSHRC's federally controlled facilities and/or federally controlled information systems.

Federally controlled buildings are defined in FIPS 201 as: (1) Federally owned buildings or leased space, whether for single or multi-tenant occupancy, and its grounds and approaches, all or any of which is under the jurisdiction, custody or control of a department or agency covered by HSPD 12; and (2) federally controlled commercial space shared with non-government tenants. Federally controlled information systems are defined by the Federal Security Management Act of 2002, 44 U.S.C. 3544(a)(1)(A)(ii), as ''[i]nformation systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.''

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains a form, titled ''Personal Identity Verification (PIV) Request for OSHRC Credential,'' on which information relevant to the credentialing process is recorded. The form includes the following information about the individual being credentialed: (1) Name; (2) country of citizenship; (3) phone number; (4) birth date; (5) hair color, eye color, height, weight, and gender; (6) employment position (or position to which individual is to be hired) and work address; (7) e-mail address; (8) information gathered from identity source documents, including the name on the documents, the document numbers, the document titles, the issuers, and the expiration dates; and (9) the name, identifier, and expiration date

on the credential issued by OSHRC. The form also includes the signature of the individual being credentialed, and the names, phone numbers, e-mail addresses, and signatures of the various OSHRC employees responsible for sponsoring, registering, and issuing the credential.

The system of records also contains a passport-sized color photograph of each credentialed individual. And, once a National Agency Check with Written Inquiries (NACI) has been completed, a copy of the OFI–79A, which may include information regarding a credentialed individual's criminal history, is included in the system of records.

Other security forms, such as the Standard Form 85 and a fingerprint chart, are completed by each credentialed individual. However, these forms are forwarded to the Office of Personnel Management (OPM) by overnight/FedEx or by certified mail, return receipt requested, and copies of these forms will not be maintained in the system of records. Accordingly, these records are covered by OPM's notice for OPM/CENTRAL–9, Personnel Investigations Records, see 58 FR 19154, 19184, Apr. 12, 1993, and not by the instant notice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 10577; Homeland Security Presidential Directive (HSPD) 12; Federal Information Processing Standard Publication (FIPS) 201; and OMB Memorandum M–05–24.

PURPOSE(S):

The categories of records contained in the system must be collected pursuant to the policy that OSHRC has developed to comply with HSPD 12. The purpose of this policy is to create a ''reliable, government-wide PIV system for use in applications such as access to federally controlled facilities and information systems.'' See FIPS 201 sec. 1.1.

The specific information collected by OSHRC allows OPM to conduct NACIs on those individuals being credentialed, assists OSHRC in verifying the identity of those for whom credentials have been requested, and provides OSHRC the necessary information to issue identification cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Blanket Routine Uses.

DISCLOSURE TO CONSUMER REPORTING:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in a file cabinet.

RETRIEVABILITY:

Records are retrievable by an individual's identification card number.

SAFEGUARDS:

Records are maintained in a file cabinet. During duty hours, the records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured behind locked doors. Access to the cabinet is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with NARA's GRS requirements for personnel security clearance files. See GRS 18, Item 22.

SYSTEM MANAGER(S) AND ADDRESS:

The Contracting Officer at the following OSHRC locations: 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457; 100 Alabama Street, SW., Building 1924, Room 2R90, Atlanta, GA 30303–3104; and 1244 North Speer Boulevard, Room 250, Denver, CO 80204–3582.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from individuals subject to the credentialing process, OSHRC employees involved in the credentialing process, and investigative record materials furnished by OPM.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–8

SYSTEM NAME:

Identification Card and Office Key Distribution Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Office of Administration at each OSHRC location maintains the records for its employees and contractors. The central office is located at 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. The branch offices are located at 100 Alabama Street, SW., Building 1924, Room 2R90, Atlanta, GA 30303–3104; and 1244 North Speer Boulevard, Room 250, Denver, CO 80204–3582.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers individuals who require long-term access to federally controlled buildings. Specifically, the categories of individuals covered by this system of records include: (1) Federal employees, as defined under 5 U.S.C. 2105, within OSHRC; (2) individuals employed by, detailed to, or assigned to OSHRC; (3) short-term employees of OSHRC, whose terms are for 6 or more months; and (4) individuals under contract to OSHRC, requiring routine access to OSHRC's federally controlled facilities.

Federally controlled buildings are defined in FIPS 201 as: (1) Federally owned buildings or leased space, whether for single or multi-tenant occupancy, and its grounds and approaches, all or any of which is under the jurisdiction, custody or control of a department or agency covered by HSPD 12; and (2) federally controlled commercial space shared with non-government tenants.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains the following information regarding each identification card issued: (1) The name of the individual identified on the card; (2) the identification number associated with the card (the cards are numbered sequentially, starting at ''1''); (3) the dates on which the card was issued and,

if applicable, destroyed; and (4) whether the card was issued as a replacement. The system also contains a list of all individuals who possess keys to OSHRC facilities. Finally, the system contains memoranda verifying which identification cards have been lost or stolen, and who has been issued a replacement office key.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 40 U.S.C. 121(c); HSPD 12; FIPS 201; and OMB Memorandum M–05–24.

PURPOSE(S):

The categories of records contained in the system must be collected pursuant to the policy that OSHRC has developed to comply with HSPD 12. The purpose of this policy is to create a ''reliable, government-wide PIV system for use in applications such as access to federally controlled facilities and information systems.'' See FIPS 201 sec. 1.1.

The system of records assists OSHRC in (1) restricting access to OSHRC facilities, (2) ensuring positive identification of those who are permitted access, (3) maintaining a record of all holders of identification cards, and (4) identifying lost or stolen cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Blanket Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in a file cabinet.

RETRIEVABILITY:

Records are retrievable by (1) an individual's name, (2) the identification card number, and/or (3) the date on which the card was issued or destroyed.

SAFEGUARDS:

Records are maintained in a file cabinet. During duty hours, the records are under surveillance of personnel charged with their custody, and after duty hours, the records are secured in a locked file cabinet behind locked doors. Access to the cabinet is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

The records will be maintained until they are superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

The Contracting Officer at the following OSHRC locations: 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457; 100 Alabama Street, SW., Building 1924, Room 2R90, Atlanta, GA 30303–3104; and 1244 North Speer Boulevard, Room 250, Denver, CO 80204–3582.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the content of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from individuals who have been issued OSHRC identification cards or office keys.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OSHRC–9

SYSTEM NAME:

Visitors' Log Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Administration, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers all individuals entering OSHRC offices who lack the proper credentials to enter without notifying OSHRC personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes the name of the visitor, the date of the visit, the company represented by the visitor, the arrival and departure times, the purpose of the visit, and the identity of the OSHRC escort.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 40 U.S.C. 121(c).

PURPOSE(S):

This system of records assists OSHRC in identifying each person who visits an OSHRC facility, and in restricting access based on his or her purpose for visiting the facility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Blanket Routine Uses.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in binders.

RETRIEVABILITY:

Records can be retrieved manually by name or date.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with NARA's GRS requirements for visitor control files. See GRS 18, Item 17.

SAFEGUARDS:

Records are maintained in a binder placed on the front desk. During duty hours, the binder is under surveillance of personnel occupying the front desk. After duty hours, the front desk can be accessed only by those who possess an office key or smartcard.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Administration, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify:

Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest their records should notify: Executive Director, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.7 (procedures for requesting amendment).

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom the record pertains.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: April 6, 2006.

W. Scott Railton,

Chairman.

[FR Doc. E6–5541 Filed 4–13–06; 8:45 am]

BILLING CODE 7600–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium for Single-Employer Plans; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in April 2006. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in May 2006. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the second quarter (April through June) of 2006.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in April 2006 is 4.02 percent (*i.e.,* 85 percent of the 4.73 percent Treasury Securities Rate for March 2006).

The Pension Funding Equity Act of 2004 (''PFEA'')—under which the required interest rate is 85 percent of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid—applies only for premium payment years beginning in 2004 or 2005. Congress is considering legislation that would extend the PFEA rate for one more year. If legislation that changes the rules for determining the required interest rate for plan years beginning in April 2006 is adopted, the PBGC will promptly publish a **Federal Register** notice with the new rate.

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between May 2005 and April 2006.

For premium payment years beginning in:	The required interest rate is: (percent)
May 2005	4.72
June 2005	4.60
July 2005	4.47
August 2005	4.56
September 2005	4.61
October 2005	4.62
November 2005	4.83
December 2005	4.91
January 2006	3.95
February 2006	3.90
March 2006	3.89
April 2006	4.02

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and section 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, section 4062.7 of the PBGC's regulation on Liability for Termination of Single-Employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the second quarter (April through June) of 2006, as announced by the IRS, is 7 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From—	Through—	Interest rate (percent)
4/1/00	3/31/01	9
4/1/01	6/30/01	8
7/1/01	12/31/01	7
1/1/02	12/31/02	6
1/1/03	9/30/03	5
10/1/03	3/31/04	4
4/1/04	6/30/04	5
7/1/04	9/30/04	4
10/1/04	3/31/05	5
4/1/05	9/30/05	6
10/1/05	6/30/06	7

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of

withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates''). The rate for the second quarter (April through June) of 2006 (*i.e.,* the rate reported for March 15, 2005) is 7.50 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From—	Through—	Interest rate (percent)
4/1/00	6/30/00	8.75
7/1/00	3/31/01	9.50
4/1/01	6/30/01	8.50
7/1/01	9/30/01	7.00
10/1/01	12/31/01	6.50
1/1/02	12/31/02	4.75
1/1/03	9/30/03	4.25
10/1/03	9/30/04	4.00
10/1/04	12/31/04	4.50
1/1/05	3/31/05	5.25
4/1/05	6/30/05	5.50
7/1/05	9/30/05	6.00
10/1/05	12/31/05	6.50
1/1/06	3/31/06	7.25
4/1/06	6/30/06	7.50

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in May 2006 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register.** Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 7th day of April 2006.

Vincent K. Snowbarger,

Deputy Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 06–3571 Filed 4–13–06; 8:45 am]

BILLING CODE 7709–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title*: Nonresident Questionnaire.

(2) *Form(s) submitted*: RRB–1001.

(3) *OMB Number*: 3220–0145.

(4) *Expiration date of current OMB clearance*: 7/31/2006.

(5) *Type of request*: Extension of a currently approved collection.

(6) *Respondents*: Individuals or households.

(7) *Estimated annual number of respondents*: 1,300.

(8) *Total annual responses*: 1,300.

(9) *Total annual reporting hours*: 650.

(10) *Collection description*: Under the Railroad Retirement Act, the benefits payable to an annuitant living outside the United States may be subject to withholding under Public Laws 98–21 and 98–76. The form obtains the information needed to determine the amount to be withheld.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312–751–3363) or *Charles.Mierzwa@rrb.gov.*

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Ronald.Hodapp@rrb.gov* and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E6–5540 Filed 4–13–06; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting Notice

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [71 FR 18788, April 12, 2006]

STATUS: Closed Meeting.

PLACE: 100 F Street, NE., Washington, DC.

ANNOUNCEMENT OF ADDITIONAL MEETING: Additional Meeting (Week of April 10, 2006).

A Closed Meeting has been scheduled for Thursday, April 13, 2006 at 9 a.m.

Commissioners and certain staff members who have an interest in the matter will attend the Closed Meeting.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9)(B) and (10) and 17 CFR 200.402(a)(5), (7), 9(ii) and (10) permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Glassman, as duty officer, voted to consider the items listed for the closed meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Thursday, April 13, 2006 will be: Institution and settlement of injunctive actions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: April 12, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. 06–3652 Filed 4–12–06; 3:48 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53621; File No. SR–CBOE–2006–32]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 Thereto To List for Trading Options on the iShares MSCI Emerging Markets Index Fund

April 10, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 5, 2006, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

change as described in Items I and II below, which Items have been prepared by the Exchange. On April 6, 2006, the CBOE filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice and order to solicit comments on the proposal from interested persons and to approve the proposed rule change, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade options on the iShares MSCI Emerging Markets Index Fund (''Fund Options''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com*), at the Office of the Secretary, CBOE 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 Exchange included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item III below, and is set forth in sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks approval to list for trading on the Exchange options on the iShares MSCI Emerging Markets Index Fund (''Fund''). The Exchange currently has in place initial listing and maintenance standards set forth in CBOE Rules 5.3.06 and 5.4.08, respectively (''Listing Standards'') that are designed to allow the Exchange to list and trade options on funds structured as open-end investment companies, such as the Fund.[4] The request for approval is based on the Exchange's determination that the Fund meets substantially all of the Listing Standard requirements, and for the requirements that are not met, sufficient mechanisms exist that would provide the Exchange with adequate surveillance and regulatory information with respect to the Fund.

As provided in the Fund's prospectus, the Fund is an open-end investment company that is designed to hold a portfolio of securities that track the MSCI Emerging Markets Index (''Index'').[5] The Fund employs a ''representative sampling'' methodology to track the Index, which means that the Fund invests in a representative sample of securities in the Index that have a similar investment profile as the Index.[6] Securities selected by the Fund have aggregate investment characteristics (based on market capitalization and industry weightings), fundamental characteristics (such as return variability, earnings valuation and yield), and liquidity measures similar to those of the Index. The Fund generally invests at least 90% of its assets in the securities of the Index or in American Depositary Receipts (''ADRs'') and Global Depositary Receipts (''GDRs'') representing such securities. In order to improve portfolio liquidity and give the Fund additional flexibility to comply with the requirements of the U.S. Internal Revenue Code and other regulatory requirements and to manage future corporate actions and index changes in smaller markets, the Fund also has the authority to invest the remainder of its assets in securities that are not included in the Index or in ADRs and GDRs representing such securities. The Fund may invest up to 10% of its assets in other MSCI index funds that seek to track the performance of equity securities of constituent countries of the Index. The Fund will not concentrate its investments (*i.e.*, hold 25% or more of its total assets in the stocks of a particular industry or group of industries), except that, to the extent practicable, the Fund will concentrate to approximately the same extent that the Index concentrates in the stocks of such particular industry or group of industries. The Exchange believes that these requirements and policies prevent the Fund from being excessively weighted in any single security or small group of securities and significantly reduce concerns that trading in the Fund could become a surrogate for trading in unregistered securities.

Shares of the Fund (''Fund Shares'') are issued in exchange for an ''in kind'' deposit of a specified portfolio of securities, together with a cash payment, in minimum size aggregation size of 150,000 shares (each, a ''Creation Unit''), as set forth in the Fund's prospectus.[7] The Fund issues and sells Fund Shares in Creation Unit sizes through a principal underwriter on a continuous basis at the net asset value per share next determined after an order to purchase Fund Shares and the appropriate securities are received. Following issuance, Fund Shares are traded on an exchange like other equity securities, and equity trading rules apply. Likewise, redemption of Fund Shares is made in Creation Unit size and ''in kind,'' with a portfolio of securities and cash exchanged for Fund Shares that have been tendered for redemption.

The Exchange notes that the maintenance listing standards set forth in Rule 5.4.08 for options on open-end investment companies do not include criteria based on either the number of shares or other units outstanding or on their trading volume. As explained in SR–CBOE–97–03,[8] the absence of such criteria is justified on the ground that since it should always be possible to create additional shares or other interests in open-end investment companies at their net asset value by making an in-kind deposit of the securities that comprise the underlying index or portfolio, there is no limit on the available supply of such shares or interests. The Exchange states that this process should make it highly unlikely

[3] In Amendment No. 1, the Exchange agreed to list Fund Options subject to a 60-day pilot program. During this period, the Exchange agrees to use its best efforts to obtain a comprehensive surveillance agreement with the Bolsa Mexicana de Valores (''Bolsa'') and will regularly update the Commission on the status of its negotiations with Bolsa.

[4] CBOE Rules 5.3.06 and 5.4.08 set forth the initial listing and maintenance standards for registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trust or other similar entities traded on a national securities exchange or through the facilities of a national securities exchange (''Exchange-Traded Funds''); *see* approval order for SR–CBOE–97–45 (Securities Exchange Act Release No. 40166 (July 2, 1998), 63 FR 37430 (July 10, 1998)).

[5] As provided on the Web site of Morgan Stanley Capital International Inc. (''MSCI'') (*http://www.msci.com*), which is the entity that created and currently maintains the Index, the Index is a capitalization-weighted index whose component securities are adjusted for available float and must meet objective criteria for inclusion in the Index. The Index aims to capture 85% of the publicly available total market capitalization in each emerging market included in the Index. As of March 28, 2006, the Index was comprised of 832 constituents with the top five constituents representing the following weights: 4.19%, 2.09%, 2.06%, 1.72%, and 1.63%. The Index is rebalanced quarterly, calculated in U.S. Dollars on a real time basis, and disseminated every 60 seconds during market trading hours.

[6] The Fund is comprised of 271 securities as of March 28, 2006. Samsung Electronics Co LTD GDR Registered, a South Korean security, has the greatest individual weight at 5.61%. The security with the smallest weight is Metropolitan Bank & Trust Co, a Thailand security, at 0.01%. The aggregate percentage weighting of the top 5, 10, and 20 securities in the Fund are 18.22%, 28.18%, and 43.74%, respectively.

[7] *See* approval order for SR–Amex–2001–45 (Securities Exchange Act Release No. 44990, note 16) (October 25, 2001), noting that local restrictions on transfers of securities to and between certain kinds of investors exist in certain foreign markets that preclude in-kind creation and redemptions of Exchange-Traded Funds).

[8] *See* Securities Exchange Act Release No. 40166 (July 2, 1998), 63 FR 37430 (July 10, 1998).

that the market for listed, open-end investment company shares could be capable of manipulation, since whenever the market price for such shares departs from net asset value, arbitrage will occur. Similarly, since the Fund meets all of the requirements of the Listing Standards except as described below, the Exchange believes that the same analysis applies to the Fund.

The Exchange has reviewed the Fund and determined that it satisfies the Listing Standards except for the requirement set forth in CBOE Rule 5.3.06(A), which requires the Fund to meet the following condition: ''any non-U.S. component securities of the index or portfolio on which the Units are based that are not subject to comprehensive [9] surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio.'' The Exchange currently has in place comprehensive surveillance agreements with foreign exchanges that cover 49.76% of the securities in the Fund. One of the foreign exchanges on which component securities of the Fund are traded and with which the Exchange does not have a comprehensive surveillance agreement is the Bolsa. The percentage of the weight of the Fund represented by these securities is 7.54%.

The Exchange understands that the Commission has been willing to allow an exchange to rely on a memorandum of understanding entered into between regulators in the event that the exchanges themselves cannot enter into a surveillance agreement. The Exchange had previously attempted to enter into a surveillance agreement with Bolsa around the time when the Exchange sought approval to list for trading options on the CBOE Mexico 30 Index in 1995, which was comprised of stocks trading on Bolsa.[10] Since Bolsa was unable to provide a surveillance agreement, the Commission allowed the Exchange to rely on the memorandum of understanding executed by the Commission and the Comision Nacional Bancaria y de Valores (''CNBV''), dated as of October 18, 1990 (''MOU''). The Commission noted in the Approval Order that in cases where it would be impossible to secure an agreement, the Commission relied in the past on surveillance sharing agreements between the relevant regulators. The Commission further noted in the Approval Order that pursuant to the terms of the MOU, it was the Commission's understanding that both the Commission and the CNBV could acquire information from and provide information to the other similar to that which would be required in a surveillance sharing agreement between exchanges, and therefore, should CBOE need information on Mexican trading in the component securities of the CBOE Mexico 30 Index, the Commission could request such information from the CNBV under the MOU.[11]

The Exchange has recently contacted Bolsa with a request to enter into a comprehensive surveillance agreement. Since Bolsa is still reviewing the document, the Exchange is uncertain whether the same barriers that prevented Bolsa from entering into an information sharing agreement approximately ten years ago still exist today. In this regard, the Exchange requests permission to rely for a sixty-day pilot period on the MOU entered into between the Commission and the CNBV for purposes of satisfying its surveillance and regulatory responsibilities for the component securities in the Fund that trade on Bolsa until the Exchange is able to secure a surveillance agreement with Bolsa. During this period, the Exchange has agreed to use its best efforts to obtain a comprehensive surveillance agreement with Bolsa, which shall reflect the following: (i) Express language addressing market trading activity, clearing activity, and customer identity; (ii) Bolsa's reasonable ability to obtain access to and produce requested information; and (iii) based on the comprehensive surveillance agreement and other information provided by Bolsa, the absence of existing rules, laws, or practices that would impede the Exchange from obtaining foreign information relating to market activity, clearing activity, or customer identity, or, in the event such rules, laws, or practices exist, they would not materially impede the production of customer or other information. The Exchange also represents that it will regularly update the Commission on the status of its negotiations with Bolsa.

2. Statutory Basis

CBOE believes the proposed rule change is consistent with the Act [12] and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [14] requirements that the rules of an exchange be designed 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. 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–CBOE–2006–32 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–CBOE–2006–32. 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

[9] The Exchange inadvertently omitted reference to the word ''comprehensive'' in Rule 5.3.06(A). Telephone conference between Bill Speth, Director of Research, Exchange, and Florence Harmon, Senior Special Counsel, Division of Market Regulation, Commission, on April 7, 2006.

[10] *See* Securities Exchange Act Release No. 36415 (October 25, 1995), 60 FR 55620 (November 1, 1995). Telephone conference between Bill Speth, Director of Research, Exchange, and Florence Harmon, Senior Special Counsel, Division of Market Regulation, Commission, on April 7, 2006 (correcting citation).

[11] The Exchange also states that the Commission noted if securing an information sharing agreement is not possible, an exchange should contact the Commission prior to listing a new derivative securities product. The Commission also noted that the Commission may determine instead that it is appropriate to rely on a memorandum of understanding between the Commission and the foreign regulator. *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998).

[12] 15 U.S.C. 78a *et seq.*

[13] 15 U.S.C. 78(f)(b).

[14] 15 U.S.C. 78(f)(b)(5).

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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2006–32 and should be submitted on or before May 5, 2006.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[15] In particular, the Commission finds that the proposed rule change, as amended, is consistent with section 6(b)(5) of the Act,[16] which requires that an exchange have rules designed, among other things, 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.

The listing of the Fund Options does not satisfy CBOE Rule 5.3.06(A), which requires that: ''any non-U.S. component securities of the index or portfolio on which the Units are based that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio.'' Although the Commission has been willing to allow an exchange to rely on a memorandum of understanding entered into between regulators where the listing SRO finds it impossible to enter into an information sharing agreement, it is not clear that that CBOE has exhausted all avenues of discussion with foreign markets, including Bolsa, in order to obtain such an agreement. Indeed, with regard to Bolsa, conditions may have changed in the time period since CBOE last raised the issue with Bolsa in 1995 such that Bolsa now would be able to enter a comprehensive surveillance agreement with CBOE.

Consequently, the Commission has determined to approve CBOE's listing and trading of Fund Options for a sixty-day pilot period during which time CBOE may rely on the MOU with respect to Fund components trading on Bolsa. During this period, the Exchange has agreed to use its best efforts to obtain a comprehensive surveillance agreement with Bolsa, which shall reflect the following: (i) Express language addressing market trading activity, clearing activity, and customer identity; (ii) Bolsa's reasonable ability to obtain access to and produce requested information; and (iii) based on the comprehensive surveillance agreement and other information provided by Bolsa, the absence of existing rules, laws, or practices that would impede the Exchange from obtaining foreign information relating to market activity, clearing activity, or customer identity, or, in the event such rules, laws, or practices exist, they would not materially impede the production of customer or other information. The Exchange also represents that it will regularly update the Commission on the status of its negotiations with Bolsa. In approving the proposed rule change, the Commission notes that CBOE currently has in place surveillance agreements with foreign exchanges that cover 49.76% of the securities in the Fund and that the Index upon which the Fund is based appears to be a broad-based index.

The Exchange has requested accelerated approval of the proposed rule change. The Commission finds good cause, consistent with Section 19(b)(2) of the Act,[17] for approving this proposed rule change before the thirtieth day after the publication of notice thereof in the **Federal Register**. The Exchange has agreed to use its best efforts to obtain a comprehensive surveillance agreement with the Bolsa during a sixty-day pilot period in which the Exchange will rely on the MOU.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[18] that the proposed rule change (SR–CBOE–2006–32), as amended, is approved on an accelerated basis for a sixty-day pilot period ending on June 9, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Nancy M. Morris,

Secretary.

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[15] In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(2).

[18] 18 *Id.*

[19] 19 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53616; File No. SR–MSRB–2006–02]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Proposed Rule Change Relating to Restated Articles of Incorporation and By-Laws

April 7, 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 March 20, 2006, the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB is filing with the Commission a proposed rule change consisting of the MSRB's Restated Articles of Incorporation and By-Laws. The text of the proposed rule change is available on the MSRB's Web site (*http://www.msrb.org*), at the MSRB'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 MSRB 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

in Item IV below. The MSRB 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 MSRB is a Virginia nonstock corporation. Currently, MSRB Rule A–11 (and By-Law Article 11) contains an indemnification provision for Board members and employees. The Board is filing Restated Articles of Incorporation to include an expanded indemnification provision and to make other technical revisions. New Article 8 will permit the MSRB to indemnify directors, officers and employees or any person serving at the request of the Board as a director, trustee, officer, employee or agent of another corporation or of a partnership, joint venture, trust, or other enterprise, including service with respect to an employee benefit plan, to the fullest extent authorized under Virginia law. This provision also requires the advancement of expenses under certain circumstances. This indemnification provision must be included in the Articles of Incorporation to be effective. Once the proposed rule change is approved and the MSRB files and obtains approval for the Restated Articles of Incorporation by the State of Virginia, the MSRB will file with the SEC to delete Rule A–11 (and By-Law Article 11), for immediate effectiveness.

The technical revisions to the Articles also include deleting reference to the initial directors of the Board, moving language from Article 5(c) to 5(a), updating the Board's Registered Agent and Registered Office, and clarifying that the limitation on liability of officers and directors will be to the fullest extent permitted by Virginia law, which prohibits limitation on liability of an officer or director if he engaged in willful misconduct or a knowing violation of criminal law.

The MSRB is also filing revisions to its By-Laws. In Article 2, Powers of Board, the MSRB is adding that the Board has powers granted by Virginia law, as well as by the Act. In addition, the article clarifies that no delegation of authority lessens Board power. In Article 6, Committees of the Board, the MSRB is clarifying that: (i) No Board committees shall have the authority to exercise any power specifically required to be exercised by the entire Board under Virginia law, as well as under the Act or any Board rule; and (ii) the last two sentences refer to any of the Board's committees. The revisions to the By-Laws also clarify in Article 14 the responsibilities of the Secretary, Treasurer, Assistant Secretary and Assistant Treasurer.

The first 11 By-Laws are Administrative Rules of the MSRB previously filed with and approved by the Commission. With this proposed rule change, the revisions to Articles 2 and 6 of the By-Laws include conforming changes to MSRB Rules A–2 and A–6.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with section 15B(b)(2)(C) of the Act,[3] which provides that the MSRB's rules shall:

> be 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 municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

The MSRB also believes that the proposed rule change is consistent with the requirements of section 15B(b)(2)(I) of the Act,[4] which authorizes the MSRB to adopt rules that provide for the operation and administration of the MSRB.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change will result in any burden on competition 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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–MSRB–2006–02 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–MSRB–2006–02. 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 MSRB's offices. 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–MSRB–2006–02 and should be submitted on or before May 5, 2006.

[3] 15 U.S.C. 78o–4(b)(2)(C).

[4] 15 U.S.C. 78o–4(b)(2)(I).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–5529 Filed 4–13–06; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53583; File No. SR–NASDAQ–2006–001]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Nasdaq Market Center

March 31, 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 NASDAQ Stock Market LLC (''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 March 29, 2006, Nasdaq submitted Amendment No. 1 to the proposed rule change.[3] 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 is proposing to integrate the operations of the existing Nasdaq Market Center, along with Nasdaq's Brut Facility and Nasdaq's INET Facility to create the fairest, fastest, most efficient and most transparent system in Nasdaq's 35-year history. This integration will benefit investors by creating a single pool of liquidity from three, thereby increasing order interaction, and execution speed and fill rates. Integration will enable Nasdaq to further reduce the cost to investors of executing trades on Nasdaq by, for example, reducing the cost for subscriber connectivity and increasing the efficiency of the resulting facility.

Nasdaq is currently on schedule to launch the proposed integrated system timely to comply with the requirements of the Fair Access and Order Protection rules, Rules 610 and 611 of Regulation NMS under the Act (''Regulation NMS''). The integrated system will be designed to enable Nasdaq to operate its execution system as that of a national securities exchange rather than as an association, pursuant to the Commission order, dated January 13, 2006, approving Nasdaq's application to register as a national securities exchange.[4] Below is the text of the proposed rule change. Proposed new language is *italicized* and proposed deletions are in [brackets].

* * * * *

4120. Trading Halts

(a) Authority To Initiate Trading Halts

In circumstances in which Nasdaq deems it necessary to protect investors and the public interest, Nasdaq may, pursuant to the procedures set forth in paragraph (b):

(1) Halt trading on Nasdaq of a Nasdaq-listed security to permit the dissemination of material news; or

(2) Halt trading on Nasdaq of a security listed on another national securities exchange during a trading halt imposed by such exchange to permit the dissemination of material news; or

(3) Halt trading [by] *on Nasdaq:* (i) [ITS/CAES Market Makers] in a security listed on another national securities exchange when such exchange imposes a trading halt in that security because of an order imbalance or influx (''operational trading halt''); or (ii) [Nasdaq market makers] in a security listed on Nasdaq, when the security is a derivative or component of a security listed on another national securities exchange and such exchange imposes an operational trading halt in that security. [ITS/CAES Market Makers and] *In the event that Nasdaq halts trading,* Nasdaq *Participants* [Market Makers] may commence quotations and trading at any time following initiation of operational trading halts, without regard to procedures for resuming trading set forth in paragraph (b); or

(4) Halt trading in an American Depository Receipt (''ADR'') or other security listed on Nasdaq, when the Nasdaq-listed security or the security underlying the ADR is listed on or registered with another national or foreign securities exchange or market, and the national or foreign securities exchange or market, or regulatory authority overseeing such exchange or market, halts trading in such security for regulatory reasons; or

(5) Halt trading in a security listed on Nasdaq when Nasdaq requests from the issuer information relating to:

(A) Material news;

(B) The issuer's ability to meet Nasdaq listing qualification requirements, as set forth in the Rule 4300, 4400, and 4800 Series; or

(C) Any other information which is necessary to protect investors and the public interest.

(6) Halt trading in a security listed on Nasdaq when

(A) Extraordinary market activity in the security is occurring, such as the execution of a series of transactions for a significant dollar value at prices substantially unrelated to the current market for the security, as measured by the national best bid and offer, and

(B) Nasdaq determines that such extraordinary market activity is likely to have a material effect on the market for the security; and

(C)(i) Nasdaq believes that such extraordinary market activity is caused by the misuse or malfunction of an electronic quotation, communication, reporting, or execution system operated by, or linked to, Nasdaq;

(ii) After consultation with another national securities exchange trading the security on an unlisted trading privileges basis, Nasdaq believes that such extraordinary market activity is caused by the misuse or malfunction of an electronic quotation, communication, reporting, or execution system operated

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[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 makes the following substantive and technical changes to the original proposal: (1) Eliminates from the original filing Nasdaq Rule 4611(d), Nasdaq's proposal to prohibit members from charging access fees triggered by the execution of a quotation within the System; (2) clarifies in Nasdaq Rules 4751(f)(6), 4755(a)(4) and 4757(a) that members must designate orders as Intermarket Sweep Orders (''ISOs'') rather than have the system automatically default to treat orders as ISOs absent other designation and enumerates in Nasdaq Rule 4751(f)(6) members' obligations when entering ISOs into the system; (3) amends Nasdaq Rule 4613(e), Nasdaq's rule for implementing the locked and crossed markets provisions of Rule 610 of Regulation NMS under the Act, to track more closely the language developed by the Commission staff in consultation with other exchanges; (4) modifies several examples of system processing throughout the filing; (5) groups within Nasdaq Rule 4751(d) all definitions related to system quotation functionality; (6) modifies Nasdaq Rule 4756(c) to clarify the display and non-display of trading interest within the system and adds language in Nasdaq Rule 4756(c)(4) to the effect that Nasdaq has procedures in place to identify its quotes as manual or automated and to notify its members of the status of its quotations; (7) modifies Nasdaq Rule 4751(h)(5) to clarify the processing of MIOC Orders; (8) states that the Nasdaq Board has approved the submission of this proposed rule change; (9) eliminates the requirement in Nasdaq Rule 4612(d) that Participants append a geographic identifier for their separate trading locations; (10) inserts Nasdaq Rule 4620(b)(4) to clarify that Nasdaq will reveal contra party information at the end of the day when a member trades change, with its own quote or order, unless the member requests not to receive that information; and (11) makes various grammatical and syntactic modifications.

[4] *See* Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (''January 13, 2006 Order'').

by, or linked to, such other national securities exchange; or

(iii) After consultation with NASD regarding an NASD facility trading the security, Nasdaq believes that such extraordinary market activity is caused by the misuse or malfunction of such NASD facility or an electronic quotation, communication, reporting, or execution system linked to such NASD facility.

(7) Halt trading in a security that is the subject of an Initial Public Offering on Nasdaq.

(b) Procedure for Initiating a Trading Halt

(1) Nasdaq issuers are required to notify Nasdaq of the release of certain material news prior to the release of such information to the public as required by Rules 4310(c)(16) and 4320(e)(14).

(2) Notification shall be provided directly to Nasdaq's MarketWatch Department by telephone, facsimile, or other compatible means of electronic communication.[5] Information communicated orally by authorized representatives of a Nasdaq issuer should be confirmed promptly in writing.

(3) Upon receipt of information, from the issuer or other source, Nasdaq will promptly evaluate the information, estimate its potential impact on the market and determine whether a trading halt in the security is appropriate.

(4) Should Nasdaq determine that a basis exists under Rule 4120(a) for initiating a trading halt, the commencement of the trading halt will be effective at the time specified by Nasdaq in a notice posted on a publicly available Nasdaq Web site. In addition, Nasdaq shall disseminate notice of the commencement of a trading halt through major wire services.

(5) Trading in a halted security shall resume at the time specified by Nasdaq in a notice posted on a publicly available Nasdaq Web site. In addition, Nasdaq shall disseminate notice of the resumption of trading through major wire services.

(6)(i) In the case of a trading halt under Rule 4120(a)(6) based on the misuse or malfunction of an electronic quotation, communication, reporting, or execution system that is not operated by Nasdaq, Nasdaq will promptly contact the operator of the system in question (as well as any national securities exchange or NASD facility to which such system is linked) to ascertain information that will assist Nasdaq in determining whether a misuse or malfunction has occurred, what effect the misuse or malfunction is having on trading in a security, and what steps are being taken to address the misuse or malfunction. If the operator of the system is unavailable when contacted by Nasdaq, Nasdaq will continue efforts to contact the operator of the system to ascertain information that will assist Nasdaq in determining whether the trading halt should be terminated.

(ii) A trading halt initiated under Rule 4120(a)(6) shall be terminated as soon as Nasdaq determines either that the system misuse or malfunction that caused the extraordinary market activity will no longer have a material effect on the market for the security or that system misuse or malfunction is not the cause of the extraordinary market activity.

(7)*(a) A trading halt initiated under Rule 4120(a)(1), (4), (5) or (6) shall be terminated when Nasdaq releases the security for trading. Prior to terminating the halt, there will be a 5-minute Display Only Period during which market participants may enter quotations and orders in that security in Nasdaq systems. At the conclusion of the 5-minute Display Only Period, the security shall be released for trading unless Nasdaq extends the Display Only Period for an additional 1-minute period pursuant to subparagraph (c) below. There shall be a period of between zero and 15 seconds (randomly selected) at which point the Display Only Period shall end and trading shall resume pursuant to Rule 4753.*

(b) A trading halt initiated under Rule 4120(a)(7) shall be terminated when Nasdaq releases the security for trading. Prior to terminating the halt, there will be a 15-minute *Display Only P*[p]eriod during which market participants may enter quotes *and orders* in that security in Nasdaq systems. At the conclusion of the 15-minute *Display Only P*[p]eriod, [the halt shall be terminated and the security released for trading.] *the security shall be released for trading unless Nasdaq extends the Display Only Period for one, two or three additional 5-minute Display Only Periods pursuant to subparagraph (c) below. At the conclusion of the Display Only Period(s), there shall be an additional delay of between zero and 15 seconds (randomly selected) and then trading shall resume pursuant to Rule 4753.*

(c) If at the end of a Display Only Period, Nasdaq detects a liquidity imbalance in the security. Nasdaq will extend the Display Only Period as permitted under subparagraphs (a) and (b) above. Liquidity Imbalances shall be established when (1) the Current Reference Prices, as defined in Rule 4705(a)(2), disseminated 15 seconds and immediately prior to the end of the Display Only Period differ by greater than (i) 10 percent or (ii) 50 cents (whichever is greater), or (2) all buy or sell market orders will not be executed in the cross.

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4600. Requirements for Nasdaq Market Makers and Other Nasdaq Market Center Participants

4601. Scope

Unless otherwise specified, the rules set forth in this 4600 Series apply only to the quoting and trading of *System* [Nasdaq] securities via the Nasdaq Market Center. [Participation in the Nasdaq Market Center as an ITS/CAES Market Maker shall be conditioned upon the initial and continuing compliance with the requirements set forth in the Rule 5200 Series. Participation in the Nasdaq Market Center as a UTP Exchange shall be conditioned upon the UTP Exchange's initial and continuing compliance with the requirements set forth in Nasdaq Rule 4710(e). Terms used in the Rule 4600 Series shall have the meaning as defined in Rule 4701.]

4602. Definitions

The following definitions apply to the Rule 4600 and 4750 Series for the trading of securities listed on a national securities exchange other than Nasdaq.

(a) The term ''Non-Nasdaq ITS Participant Market'' shall mean a participant in the ITS Plan that is a national securities exchange (other than Nasdaq) or a national securities association.

(b) The term ''ITS Plan'' shall mean the plan agreed upon by the ITS participants, as from time to time amended in accordance with the provisions therein, and approved by the Commission pursuant to Section 11A(a)(3)(B) of the Act and SEC Rule 608 thereunder.

(c) The term ''ITS Security'' shall mean any security which may be traded through the ITS System by Nasdaq.

(d) The term ''ITS System'' shall mean the communications network and related equipment that links electronically the Non-Nasdaq ITS Participant Markets and Nasdaq as described in the Plan.

(e) The term ''Nasdaq Market Maker'' when used in reference to ITS Securities, shall mean a member of Nasdaq that is registered as a market

[5] Notification may be provided to the MarketWatch Department by telephone 1–800–537–3929 and (240) 386–6046. Between 7 p.m. and 7:30 a.m. eastern time, voice mail messages may be left on either number. The fax number is (240) 386–6047.

maker with Nasdaq for the purposes of participation in ITS with respect to one or more ITS securities in which it is then actively registered. The term ''Nasdaq Market Maker'' shall also include a member of Nasdaq that meets the definition of electronic communications network (''ECN''), as defined in SEC Rule 600, or alternative trading system (''ATS''), subject to SEC Regulation ATS Rule 301(b), and has voluntarily chosen to register with Nasdaq and meets the terms of registration set forth in Rule 4752.

(f) The term ''Participant Market'' shall mean the securities market of each participating Non-Nasdaq ITS Market and the markets of Nasdaq in ITS securities.

(g) A ''Third Participating Market Center Trade-Through,'' as that term is used in this Rule, occurs whenever Nasdaq initiates the purchase of an ITS Security by sending a commitment to trade-through the System and such commitment results in an execution at a price which is higher than the price at which the security is being offered (or initiates the sale of such a security by sending a commitment to trade-through the System and such commitment results in an execution at a price which is lower than the price at which the security is being bid for) at the time of the purchase (or sale) in another ITS Participant Market as reflected by the offer (bid) then being displayed by Nasdaq Market Makers from such other market center. The member described in the foregoing sentence is referred to in this Rule as the ''member who initiated a third participating market center trade-through.''

(h) ''CAES'' means the ''Computer Assisted Execution System, ''the computerized order routing and execution facility for ITS Securities, as from time to time modified or supplemented, that is operated by Nasdaq and made available to Nasdaq members. CAES functionality is offered through the Nasdaq Market Center pursuant to the Rule 4750 Series.

4610. Registration and Other Requirements

4611. Nasdaq Market Center Participant Registration

(a) Participation in the Nasdaq Market Center as a Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm requires current registration as such with Nasdaq. Such registration shall be conditioned upon the participant's initial and continuing compliance with the following requirements:

(1) Execution of applicable agreements with Nasdaq;

(2) Membership in, or access arrangement with a participant of, a clearing agency registered with the Commission which maintains facilities through which Nasdaq Market Center compared trades may be settled;

(3) Compliance with all applicable rules and operating procedures of Nasdaq and the Commission, *including with respect to Nasdaq Market Makers in ITS Securities, the ITS Plan in their use of the System;*

(4) Maintenance of the physical security of the equipment located on the premises of the Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm to prevent the improper use or access to Nasdaq systems, including unauthorized entry of information into the Nasdaq Market Center; and

(5) Acceptance and settlement of each Nasdaq Market Center trade that the Nasdaq Market Center identifies as having been effected by such participant, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified Nasdaq Market Center trade by the clearing member on the regularly scheduled settlement date.

A member's registration shall become effective upon receipt by the member of notice of an approval of registration by Nasdaq. *The registration required hereunder will apply solely to the qualification of a Participant to participate in the System. Such registration shall not be conditioned upon registration in any particular Nasdaq Market Center securities.*

(b) Each Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm shall be under a continuing obligation to inform Nasdaq of noncompliance with any of the registration requirements set forth above.

(c) Nasdaq may impose upon any Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm such temporary restrictions upon the automated entry or updating of orders or Quotes/Orders as Nasdaq may determine to be necessary to protect the integrity of Nasdaq's systems. For example, such temporary restrictions may be necessary to address a system problem at a particular Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm or at Nasdaq, or an unexpected period of extremely high message traffic. The scope of any such restrictions shall be communicated to the affected Nasdaq Market Maker, Nasdaq ECN or Order Entry Firm in writing.

4612. Registration as a Nasdaq Market Maker

(a) Quotations and quotation sizes may be entered into the Nasdaq Market Center only by a member registered as a Nasdaq Market Maker or other entity approved by Nasdaq to function in a market-making capacity.

(b) A Nasdaq Market Maker may become registered in an issue by entering a registration request via a Nasdaq approved electronic interface with Nasdaq's systems or by contacting Nasdaq Market Operations. Registration shall become effective on the day the registration request is entered.

(c) A Nasdaq Market Maker's registration in an issue shall be terminated by Nasdaq if the market maker fails to enter quotations in the issue within five (5) business days after the market maker's registration in the issue becomes effective.

[(d) In cases where a Nasdaq Market Maker has more than one trading location, a fifth character geographic indicator shall be appended to the Nasdaq Market Maker's identifier for that security to identify the branch location where the security is traded. The fifth-character branch indicators are established by Nasdaq and published from time to time in the Nasdaq symbol directory.]

4613. Character of Quotations

A member registered as a Nasdaq Market Maker shall engage in a course of dealings for its own account to assist in the maintenance, insofar as reasonably practicable, of fair and orderly markets in accordance with this Rule.

(a) Quotation Requirements and Obligations

(1) Two-Sided Quote Obligation. For each security in which a member is registered as a Nasdaq Market Maker, the member shall be willing to buy and sell such security for its own account on a continuous basis and shall enter and maintain a two-sided quotation (''Principal Quote''), which is attributed to the market maker by a special maker participant identifier (''MPID'') and is displayed in the Nasdaq Market Center at all times, subject to the procedures for excused withdrawal set forth in Rule 4619.

(A) A registered market maker [in a Nasdaq-listed security] must display a quotation size for at least one normal unit of trading (or a larger multiple thereof) when it is not displaying a limit order in compliance with SEC Rule 604, provided, however, that a registered Nasdaq Market Maker may augment its

displayed quotation size to display limit orders priced at the market maker's quotation. Unless otherwise designated, a ''normal unit of trading'' shall be 100 shares.

(B) [Minimum Price Variation for Decimal-based Quotations—The minimum quotation increment for Nasdaq securities authorized for decimal pricing shall be $0.01. Quotations failing to meet this standard shall be rejected.] *The minimum quotation increment for quotations of $1.00 or above in all System Securities shall be $0.01. The minimum quotation increment in the System for quotations below $1.00 in System Securities shall be $0.0001.*

(b) Firm Quotations

(1) *All quotations and orders to buy or sell entered into the System by Nasdaq Market Makers, Nasdaq ECNs, and Nasdaq Order Entry firms are firm and automatically executable for their displayed and non-displayed size in the System.* [A Nasdaq Market Maker that receives an offer to buy or sell from another member shall execute a transaction for at least a normal unit of trading at its displayed quotations as disseminated in the Nasdaq Market Center at the time of receipt of any such offer. If a Nasdaq Market Maker displays a quotation for a size greater than a normal unit of trading, it shall, upon receipt of an offer to buy or sell from another member, execute a transaction at least at the size displayed.]

[(2) If a Nasdaq Market Maker, upon receipt of an offer to buy or sell from another member in any amount that is at least one normal unit of trading greater than its published quotation size as disseminated in the Nasdaq Market Center at the time of receipt of any such offer, executes a transaction in an amount of shares less than the size of the offer, then such market maker shall, immediately after such execution, display a revised quotation at a price that is inferior to its previous published quotation. The failure of a Nasdaq Market Maker to execute the offer in an amount greater than its published quotation size shall not constitute a violation of subparagraph (c) of this rule.]

(c) Quotations Reasonably Related to the Market

A Nasdaq Market Maker shall enter and maintain quotations that are reasonably related to the prevailing market. Should it appear that a market maker's quotations are no longer reasonably related to the prevailing market, Nasdaq may require the market maker to re-enter its quotations. If a Nasdaq Market Maker whose quotations are no longer reasonably related to the prevailing market fails to re-enter its quotations, Nasdaq may suspend the market maker's quotations in one or all securities.

In the event that a Nasdaq Market Maker's ability to enter or update quotations is impaired, the market maker shall immediately contact Nasdaq Market Operations to request the withdrawal of its quotations.

In the event that a Nasdaq Market Maker's ability to enter or update quotations is impaired and the market maker elects to remain in Nasdaq, the Nasdaq Market Maker shall execute an offer to buy or sell received from another member at its quotations as disseminated through the Nasdaq Market Center.

(d) Reserved

(e) Locked and Crossed Markets

(1) Locked and Cross Markets within the System: Any quotes or orders that are entered into the System that would lock or cross another order in the System will be executed by the System. This processing, set forth in Rule 4757, ensures that no locked or crossed markets can exist within the System and that price improvement is allocated fairly.

(2) Inter-market Locked and Crossed Markets

(A) Definitions. For purposes of this Rule, the following definitions shall apply:

(i) The terms automated quotation, effective national market system plan, intermarket sweep order, manual Quotation, NMS stock, protected quotation, regular trading hours, and trading center shall have the meanings set forth in Rule 600(b) of Regulation NMS under the Securities Exchange Act of 1934.

(ii) The term crossing quotation shall mean the display of a bid for an NMS stock during regular trading hours at a price that is higher than the price of an offer for such NMS stock previously disseminated pursuant to an effective national market system plan, or the display of an offer for an NMS stock during regular trading hours at a price that is lower than the price of a bid for such NMS stock previously disseminated pursuant to an effective national market system plan.

(iii) The term locking quotation shall mean the display of a bid for an NMS stock during regular trading hours at a price that equals the price of an offer for such NMS stock previously disseminated pursuant to an effective national market system plan, or the display of an offer for an NMS stock during regular trading hours at a price that equals the price of a bid for such NMS stock previously disseminated pursuant to an effective national market system plan.

(B) Prohibition. Except for quotations that fall within the provisions of paragraph (D) of this Rule, Nasdaq members shall reasonably avoid displaying, and shall not engage in a pattern or practice of displaying any quotations that lock or cross a protected quotation, and any manual quotations that lock or cross a quotation previously disseminated pursuant to an effective national market system plan.

(C) Manual Quotations. If a member of the Exchange displays a manual quotation that locks or crosses a quotation previously disseminated pursuant to an effective national market system plan, such member of the Exchange shall promptly either withdraw the manual quotation or route an intermarket sweep order to execute against the full displayed size of the locked or crossed quotation.

(D) Exceptions.

(i) The locking or crossing quotation was displayed at a time when the trading center displaying the locked or crossed quotation was experiencing a failure, material delay, or malfunction of its systems or equipment.

(ii) The locking or crossing quotation was displayed at a time when a protected bid was higher than a protected offer in the NMS stock.

(iii) The locking or crossing quotation was an automated quotation, and the Nasdaq member displaying such automated quotation simultaneously routed an intermarket sweep order to execute against the full displayed size of any locked or crossed protected quotation.

(iv) The locking or crossing quotation was a manual quotation that locked or crossed another manual quotation, and the member of the Exchange displaying the locking or crossing manual quotation simultaneously routed an intermarket sweep order to execute against the full displayed size of the locked or crossed manual quotation.

[(1) A Nasdaq Market Maker shall not, except under extraordinary circumstances, enter or maintain quotations in Nasdaq during normal business hours if:

(A) The bid quotation entered is equal to (''lock'') or greater than (''cross'') the asked quotation of another Nasdaq Market Maker entering quotations in the same security; or

(B) The asked quotation is equal to (''lock'') or less than (''cross'') the bid quotation of another Nasdaq Market Maker entering quotations in the same security.

(2) A Nasdaq Market Maker shall, prior to entering a quotation that locks or crosses another quotation, make reasonable efforts to avoid such locked or crossed market by executing transactions with all Nasdaq Market Makers whose quotations would be locked or crossed. Pursuant to the provisions of paragraph (b) of this Rule, a Nasdaq Market Maker whose quotations are causing a locked or crossed market is required to execute transactions at its quotations as displayed through Nasdaq at the time of receipt of any order.

(3) For purposes of this rule, the term ''market maker'' shall include:

(A) Any Nasdaq member that enters into an ECN, as that term is defined in SEC Rule 600, a priced order that is displayed in the Nasdaq Market Center;

(B) Any Nasdaq member that operates the ECN when the priced order being displayed has been entered by a person or entity that is not a Nasdaq member;

(C) Any Nasdaq member that enters into an ATS, as that term is defined in SEC Regulation ATS, an order that is displayed in the Nasdaq Market Center; and

(D) Any Nasdaq member that operates the ATS when the order being displayed has been entered by a person or entity that is not a Nasdaq member.]

4614. Stabilizing Bids

(a) Nasdaq Market Maker [and ITS/CAES Market Maker] Obligation/Identifier

A Nasdaq Market Maker [or ITS/CAES Market Maker] that intends to stabilize the price of a security that is a subject or reference security under SEC Rule 101 shall submit a request to Nasdaq MarketWatch for the entry of a one-sided bid that is identified on Nasdaq as a stabilizing bid in compliance with the standards set forth in this Rule and SEC Rules 101 and 104.

(b) Eligibility

Only one Nasdaq Market Maker [or ITS/CAES Market Maker] in a security may enter a stabilizing bid.

(c) Limitations on Stabilizing Bids

(1) A stabilizing bid shall not be entered in Nasdaq unless at least one other Nasdaq Market Maker [or ITS/CAES Market Maker] in addition to the market maker entering the stabilizing bid is registered as a Nasdaq Market Maker [or ITS/CAES Market Maker] in the security and entering quotations that are considered an independent bid under SEC Rule 104.

(2) A stabilizing bid must be available for all freely tradable outstanding securities of the same class being offered.

(d) Submission of Request to Nasdaq

(1) A Nasdaq Market Maker [or ITS/CAES Market Maker] that wishes to enter a stabilizing bid shall submit a request to Nasdaq MarketWatch for entry on Nasdaq of a one-sided bid identified as a stabilizing bid. The Nasdaq Market Maker [or ITS/CAES Market Maker] shall confirm its request in writing no later than the close of business the day the stabilizing bid is entered by submitting an Underwriting Activity Report to Nasdaq MarketWatch that includes the information required by subparagraph (d)(2).

(2) In lieu of submitting the Underwriting Activity Report as set forth in subparagraph (d)(1), the market maker may provide written confirmation to Nasdaq MarketWatch that shall include:

(A) The identity of the security and its symbol;

(B) The contemplated effective date of the offering and the date when the offering will be priced;

(C) The date and time that an identifier should be included on Nasdaq; and

(D) A copy of the cover page of the preliminary or final prospectus or similar offering document, unless Nasdaq determines otherwise.

4615. Reserved

4616. Reports

A Nasdaq Market Maker, Nasdaq ECN, *or* Order Entry Firm [or ITS/CAES Market Maker] shall make such reports to Nasdaq as may be prescribed from time to time by Nasdaq.

4617. Normal Business Hours

The System operates from 7 a.m. to 8 p.m. eastern time on each business day, unless modified by Nasdaq. A Nasdaq Market Maker shall be open for business as of 9:30 a.m. Eastern Time and shall close no earlier than 4 p.m. Eastern Time. [Should a] *A* Nasdaq Market Maker [wish to] *may* voluntarily *open for business prior to 9:30 a.m. and* remain open for business later than 4 p.m. eastern time[, it shall so notify Nasdaq Market Operations and shall close only on the hour or the half hour, but no later than 6:30 p.m. eastern time]. Nasdaq Market Makers whose quotes are open *prior to 9:30 a.m. Eastern time or* after 4 p.m. eastern time shall be obligated to comply, while their quotes are open, with all Nasdaq Rules that are not by their express terms, or by an official interpretation of Nasdaq, inapplicable to any part of the *7 a.m. to 9:30 a.m. or* 4 p.m. to [6:30] *8* p.m. eastern time period.

4618. Clearance and Settlement

(a) All transactions through the facilities of the Nasdaq Market Center shall be cleared and settled through a registered clearing agency using a continuous net settlement system. This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a correspondent clearing arrangement with another member that clears trades through such an agency.

(b) Notwithstanding paragraph (a), transactions in Nasdaq *listed* securities may be settled ''ex-clearing'' provided that both parties to the transaction agree.

4619. Withdrawal of Quotations and Passive Market Making

(a) Except as provided in paragraph (b) of this Rule, a market maker that wishes to withdraw quotations in a security or have its quotations identified as the quotations of a passive market maker shall contact Nasdaq MarketWatch to obtain excused withdrawal status prior to withdrawing its quotations or identification as a passive market maker. Withdrawals of quotations or identifications of quotations as those of a passive market maker shall be granted by Nasdaq MarketWatch only upon satisfying one of the conditions specified in this Rule.

(b) A Nasdaq Market Maker that wishes to obtain excused withdrawal status based on a market maker's systemic equipment problems, such as defects in a Nasdaq Market Maker's software or hardware systems or connectivity problems associated with the circuits connecting Nasdaq Market Center systems with the Nasdaq Market Maker's systems, shall contact Nasdaq Market Operations. Nasdaq Market Operations may grant excused withdrawal status based on systemic equipment problems for up to five (5) business days, unless extended by Nasdaq Market Operations.

(c)*(1) For Nasdaq-listed securities, e*[E]xcused withdrawal status based on circumstances beyond the Nasdaq Market Maker's control, other than systemic equipment problems, may be granted for up to five (5) business days, unless extended by Nasdaq MarketWatch. Excused withdrawal status based on demonstrated legal or regulatory requirements, supported by appropriate documentation and accompanied by a representation that the condition necessitating the withdrawal of quotations is not permanent in nature, may, upon

notification, be granted for not more than sixty (60) days (unless such request is required to be made pursuant to paragraph (e) below). Excused withdrawal status based on religious holidays may be granted only if written notice is received by Nasdaq one business day in advance and is approved by Nasdaq. Excused withdrawal status based on vacation maybe granted only if:

([1]*A*) The written request for withdrawal is received by Nasdaq one business day in advance, and is approved by Nasdaq

([2]*B*) The request includes a list of the securities for which withdrawal is requested; and

([3]*C*) The request is made by a Nasdaq Market Maker with three (3) or fewer Nasdaq level 3 terminals. Excused withdrawal status may be granted to a Nasdaq Market Maker that has withdrawn from an issue prior to the public announcement of a merger or acquisition and wishes to re-register in the issue pursuant to the same-day registration procedures contained in Rule 4611 above, provided the Nasdaq Market Maker has remained registered in one of the affected issues. The withdrawal of quotations because of pending news, a sudden influx of orders or price changes, or to effect transactions with competitors shall not constitute acceptable reasons for granting excused withdrawal status.

(2) For ITS Securities, a Nasdaq Market Maker that wishes to withdraw quotations shall contact Nasdaq MarketWatch to obtain excused withdrawal status prior to withdrawing its quotations. Excused withdrawal status based on illness, vacations or physical circumstances beyond the Market Maker's control may be granted for up to five (5) business days, unless extended by Nasdaq MarketWatch. Excused withdrawal status based on investment activity or advice of legal counsel, accompanied by a representation that the condition necessitating the withdrawal of quotations is not permanent in nature, may, upon written request, be granted for not more than sixty (60) days. The withdrawal of quotations because of pending news, a sudden influx of orders or price changes, or to effect transactions with competitors shall not normally constitute acceptable reasons for granting excused withdrawal status, unless Nasdaq has initiated a trading halt for Market Makers in the security. pursuant to Rule 4120.

(d) Excused withdrawal status may be granted to a Nasdaq Market Maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency and is withdrawn from participation in the trade reporting service of the Nasdaq Market Center, thereby terminating its registration as a Nasdaq Market Maker. Provided however, that if Nasdaq finds that the Nasdaq Market Maker's failure to maintain a clearing arrangement is voluntary, the withdrawal of quotations will be considered voluntary and unexcused pursuant to Rule 4620 and the Rule 4700 Series governing the Nasdaq Market Center. Nasdaq Market Makers that fail to maintain a clearing relationship will have their Nasdaq Market Center system status set to ''suspend'' and be thereby prevented from entering, or executing against, any quotes/orders in the system.

(e) Excused withdrawal status or passive market maker status may be granted to a Nasdaq Market Maker that is a distribution participant (or, in the case of excused withdrawal status, an affiliated purchaser) in order to comply with SEC Rule 101, 103, or 104 under the Act on the following conditions:

(1) A member acting as a manager (or in a similar capacity) of a distribution of a security that is a subject security or reference security under SEC Rule 101 and any member that is a distribution participant or an affiliated purchaser in such a distribution that does not have a manager shall provide written notice to Nasdaq MarketWatch and the Market Regulation Department of NASD Regulation, Inc. no later than the business day prior to the first entire trading session of the one-day or five-day restricted period under SEC Rule 101, unless later notification is necessary under the specific circumstances.

(A) The notice required by subparagraph (e)(1) of this Rule shall be provided by submitting a completed Underwriting Activity Report that includes a request on behalf of each Nasdaq Market Maker that is a distribution participant or an affiliated purchaser to withdraw the Nasdaq Market Maker's quotations, or that includes a request on behalf of each Nasdaq Market Maker that is a distribution participant (or an affiliated purchaser of a distribution participant) that its quotations be identified as those of a passive market maker and includes the contemplated date and time of the commencement of the restricted period.

(B) The managing underwriter shall advise each Nasdaq Market Maker that it has been identified as a distribution participant or an affiliated purchaser to Nasdaq MarketWatch and that its quotations will be automatically withdrawn or identified as passive market maker quotations, unless a market maker that is a distribution participant (or an affiliated purchaser of a distribution participant) notifies Nasdaq MarketWatch as required by subparagraph (e)(2), below.

(2) A Nasdaq Market Maker that has been identified to Nasdaq MarketWatch as a distribution participant (or an affiliated purchaser of a distribution participant) shall promptly notify Nasdaq MarketWatch and the manager of its intention not to participate in the prospective distribution or not to act as a passive market maker in order to avoid having its quotations withdrawn or identified as the quotations of a passive market maker.

(3) If a Nasdaq Market Maker that is a distribution participant withdraws its quotations in a Nasdaq security in order to comply with the net purchases limitation of SEC Rule 103 or with any other provision of SEC Rules 101, 103, or 104 and promptly notifies Nasdaq MarketWatch of its action, the withdrawal shall be deemed an excused withdrawal. Nothing in this subparagraph shall prohibit Nasdaq from taking such action as is necessary under the circumstances against a member and its associated persons for failure to contact Nasdaq MarketWatch to obtain an excused withdrawal as required by subparagraphs (a) and (e) of this Rule.

(4) The quotations of a passive market maker shall be identified on Nasdaq as those of a passive market maker.

(5) A member acting as a manager (or in a similar capacity of a distribution subject to subparagraph (e)(1) of this Rule shall submit a request to Nasdaq MarketWatch and the Market Regulation Department of NASD Regulation, Inc. to rescind the excused withdrawal status or passive market making status of distribution participants and affiliated purchasers, which request shall include the date and time of the pricing of the offering, the offering price, and the time the offering terminated, and, if not in writing, shall be confirmed in writing no later than the close of business the day the offering terminates. The request by this subparagraph may be submitted on the Underwriting Activity Report.

(f) The Market Operations Review Committee shall have jurisdiction over proceedings brought by Nasdaq Market Makers seeking review of the denial of an excused withdrawal pursuant to this Rule 4619, or the conditions imposed on their reentry.

4620. Voluntary Termination of Registration

(a) A market maker may voluntarily terminate its registration in a security by withdrawing its two-sided quotation

from the Nasdaq Market Center. A Nasdaq Market Maker that voluntarily terminates its registration in a security may not re-register as a market maker in that security for twenty (20) business days *in the case of Nasdaq-listed securities or for one (1) business day in the case of ITS securities*. Withdrawal from participation as a Nasdaq Market Maker in the Nasdaq Market Center shall constitute termination of registration as a market maker in that security for purposes of this Rule; provided, however, that a Nasdaq Market Maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency and is withdrawn from participation in the Nasdaq Market Center and thereby terminates its registration as a Nasdaq Market Maker may register as a market maker at any time after a clearing arrangement has been reestablished unless Nasdaq finds that the Nasdaq Market Maker's failure to maintain a clearing arrangement is voluntary, in which case the withdrawal of quotations will be considered voluntary and unexcused.

(b) Notwithstanding the above, a Nasdaq Market Maker that accidentally withdraws as a Nasdaq Market Maker may be reinstated if:

(1) The Nasdaq Market Maker notified MarketWatch of the accidental withdrawal as soon as practicable under the circumstances, but within at least one hour of such withdrawal, and immediately thereafter provided written notification of the withdrawal and reinstatement request;

(2) It is dear that the withdrawal was inadvertent and the market maker was not attempting to avoid its market making obligations; and

(3) The Nasdaq Market Maker's firm would not exceed the following reinstatement limitations:

(A) For firms that simultaneously made markets in less than 250 stocks during the previous calendar year, the firm can receive no more than two (2) reinstatements per year;

(B) For firms that simultaneously made markets in 250 or more but less than 500 stocks during the previous calendar year, the firm can receive no more than three (3) reinstatements per year; and

(C) For firms that simultaneously made markets in 500 or more stocks during the previous calendar year, the firm can receive no more than six (6) reinstatements per year.

(c) Factors that Nasdaq will consider in granting a reinstatement under paragraph (b) of this rule include, but are not [be] limited to:

(1) The number of accidental withdrawals by the Nasdaq Market Maker in the past, as compared with Nasdaq Market Makers making markets in a comparable number of stocks;

(2) The similarity between the symbol of the stock that the Nasdaq Market Maker intended to withdraw from and the symbol of the stock that the Nasdaq Market Maker actually withdrew from;

(3) Market conditions at the time of the withdrawal;

(4) Whether, given the market conditions at the time of the withdrawal, the withdrawal served to reduce the exposure of the member's position in the security at the time of the withdrawal to market risk; and

(5) The timeliness with which the Nasdaq Market Maker notified MarketWatch of the error.

(d) For purposes of paragraph (a) of this Rule, a market maker shall not be deemed to have voluntarily terminated its registration in a security by voluntarily withdrawing its two-sided quotation from the Nasdaq Market Center if the Nasdaq Market Maker's two-sided quotation in the subject security is withdrawn by Nasdaq's systems due to issuer corporate action related to a dividend, payment or distribution, or due to a trading halt, and one of the following conditions is satisfied:

(1) The Nasdaq Market Maker enters a new two-sided quotation prior to the close of the regular market session on the same day when Nasdaq's systems withdrew such a quotation;

(2) The Nasdaq Market Maker enters a new two-sided quotation on the day when trading resumes following a trading halt, or, if the resumption of trading occurs when the market is not in regular session, the Nasdaq Market Maker enters a new two-sided quotation prior to the opening of the next regular market session; or

(3) Upon request from the market maker, Nasdaq MarketWatch authorizes the market maker to enter a new two-sided quotation, provided that Nasdaq MarketWatch receives the market maker's request prior to the close of the regular market session on the next regular trading day after the day on-which the market maker became eligible to re-enter a quotation pursuant to subparagraph (d)(1) or (d)(2) hereof and determines that the market maker was not attempting to avoid its market making obligations by failing to re-enter such a quotation earlier.

(e) The Market Operations Review Committee shall have jurisdiction over proceedings 29 brought by market makers seeking review of their denial of a reinstatement pursuant to paragraphs (b) or (d) of this Rule.

4621. Suspension and Termination of Quotations

Nasdaq may, pursuant to the procedures set forth in the Rule 9000 Series, suspend, condition, limit, prohibit or terminate the authority of a Nasdaq Market Maker, Nasdaq ECN, *or* Order Entry Firm [or ITS/CAES Market Maker] to enter quotations in one or more authorized securities for violations of applicable requirements or prohibitions.

4622. Termination of Nasdaq Service

Nasdaq may, upon notice, terminate Nasdaq service in the event that a Nasdaq Market Maker, Nasdaq ECN, *or* Order Entry Firm [or ITS/CAES Market Maker] fails to qualify under specified standards of eligibility or fails to pay promptly for services rendered by Nasdaq.

4623. Alternative Trading Systems

(a) Nasdaq may provide a means to permit alternative trading systems (''ATSs''), as such term is defined in Regulation ATS, and electronic communications networks (''ECNs''), as such term is defined in SEC Rule 600,

(1) To comply with SEC Rule 301(b)(3);

(2) To comply with the terms of the ECN display alternative provided for in SEC Rule 602(b)(5)(ii)(A) and (B) (''ECN display alternatives''); or

(3) To provide orders to Nasdaq voluntarily.

In providing any such means, Nasdaq shall establish a mechanism that permits the ATS or ECN to display the best prices and sizes of orders entered into the ATS or ECN by [Nasdaq market makers (and other] subscribers of the ATS or ECN, if the ECN or ATS so chooses or is required by SEC Rule 301(b)(3) to display a subscriber's order in Nasdaq[)], and allows any Nasdaq member the electronic ability to effect a transaction with such priced orders that is equivalent to the ability to effect a transaction with a Nasdaq market maker quotation in Nasdaq operated systems.

(b) An ATS or ECN that seeks to utilize the Nasdaq-provided means to comply with SEC Rule 301(b)(3), the ECN display alternatives, or to provide orders to Nasdaq voluntarily shall:

(1) Demonstrate to Nasdaq that it is in compliance with Regulation ATS or that it qualifies as an ECN meeting the definition in the SEC Rule 600;

(2) Be registered as a Nasdaq member;

(3) Enter into and comply with the terms of applicable agreements with Nasdaq;

(4) Agree to provide for Nasdaq's dissemination in the quotation data made available to quotation vendors the prices and sizes of [Nasdaq market maker orders (and orders from other] subscriber[s] *orders* of the ATS or ECN, if the ATS or ECN so chooses or is required by SEC Rule 301(b)(3) to display a subscriber's order in Nasdaq[)], at the highest buy price and the lowest sell price for each Nasdaq security entered in and widely disseminated by the ATS or ECN; and prior to entering such prices and sizes, register with Nasdaq Market Operations as an ATS or ECN;

(5) Provide an automatic[ed] execution [or, if the price is no longer available, an automated rejection] of any *quote or* order [routed to] *entered into the System by* the ATS or ECNJ through the Nasdaq-provided display alternative.]

[(6) Not charge to broker-dealers that access the ATS or ECN through the Nasdaq Market Center any fee that is inconsistent with the requirements of SEC Rule 301(b)(4) or that exceeds $0.003 per share].

[(c) When a Nasdaq member attempts to electronically access through a Nasdaq-provided system an ATS or ECN-displayed order by sending an order that is larger than the ATS's or ECN's Nasdaq-displayed size and the ATS or ECN is displaying the order in Nasdaq on a reserved size basis, the Nasdaq member that operates the ATS or ECN shall execute such Nasdaq-delivered order:]

[(1) Up to the size of the Nasdaq-delivered order, if the ATS or ECN order (including the reserved size and displayed portions) is the same size or larger than the Nasdaq-delivered order; or]

[(2) Up to the size of the ATS or ECN order (including the reserved size and displayed portions), if the Nasdaq-delivered order is the same size or larger than the ATS or ECN order (including the reserved size and displayed portions).]

[No ATS or ECN operating in Nasdaq pursuant to this rule is permitted to provide a reserved-size function unless the size of the order displayed in Nasdaq is 100 shares or greater. For purposes of this rule, the term ''reserved size'' shall mean that a customer entering an order into an ATS or ECN has authorized the ATS or ECN to display publicly part of the full size of the customer's order with the remainder held in reserve on an undisplayed basis to be displayed in whole or in part as the displayed part is executed.]

[Nothing in this Rule shall require the provision to Nasdaq of a locking or crossing bid or offer, if such locking or crossing bid or offer is instead provided to another display alternative operated by a national securities exchange or national securities association.]

4624. Penalty Bids and Syndicate Covering Transactions

(a) A Nasdaq Market Maker [or ITS/CAES Market Maker] acting as a manager (or in a similar capacity) of a distribution of a security that is a subject or reference security under SEC Rule 101 shall provide written notice to the Corporate Financing Department of NASD Regulation, Inc. of its intention to impose a penalty bid on syndicate members or to conduct syndicate covering transactions pursuant to SEC Rule 104 prior to imposing the penalty bid or engaging in the first syndicate covering transaction. A Nasdaq Market Maker [or ITS/CAES Market Maker] that intends to impose a penalty bid on syndicate members may request that its quotation be identified as a penalty bid on Nasdaq pursuant to paragraph (c) below.

(b) The notice required by paragraph (a) shall include:

(1) The identity of the security and its symbol;

(2) The date the member is intending to impose the penalty bid and/or conduct syndicate covering transactions.

(c) Notwithstanding paragraph (a), a Nasdaq Market Maker [or ITS/CAES Market Maker] may request that its quotation be identified as a penalty bid on Nasdaq display by providing notice to Nasdaq MarketWatch, which notice shall include the date and time that the penalty bid identifier should be entered on Nasdaq and, if not in writing, shall be confirmed in writing no later than the close of business the day the penalty bid identifier is entered on Nasdaq.

(d) The written notice required by this Rule may be submitted on the Underwriting Activity Report.

4625. Obligation To Provide Information

(a) A Nasdaq Market Maker, Nasdaq ECN, *or* Order Entry Firm [or ITS/CAES Market Maker] operating in or participating in the Nasdaq Market Center or other Nasdaq-operated system shall provide information orally, in writing, or electronically (if such information is, or is required to be, maintained in electronic form) to the staff of Nasdaq when:

(1) Nasdaq MarketWatch staff makes an oral, written, or electronically communicated request for information relating to a specific Nasdaq rule, SEC rule, or provision of a joint industry plan (e.g., ITS, UTP, CTA, and CQA) (as promulgated and amended from time-to-time) that Nasdaq MarketWatch is responsible for administering or to other duties and/or obligations imposed on Nasdaq MarketWatch by Nasdaq; this shall include, but not be limited to, information relating to:

(A) A locked or crossed market; or

(B) Reserved

(C) Trading activity, rumors, or information that a member may possess that may assist in determining whether there is a basis to initiate a trading halt, pursuant to Nasdaq Rule 4120 and IM–4120–1; or

(D) A quotation that appears not to be reasonably related to the prevailing market; or

(E) A clearly erroneous transaction, pursuant to Nasdaq Rule 11890; or

(F) A request for an excused withdrawal or reinstatement, pursuant to Nasdaq Rules 4619[,] *and* 4620[, and 5222]; or

(G) The resolution of a trade-through complaint, or other transaction, pursuant to Nasdaq Rules 4759 [, 5262, 5265,] and 11890; or

(H) A request to submit a stabilizing bid, pursuant to Nasdaq Rule 4614, or a request to have a quotation identified as a penalty bid on Nasdaq, pursuant to Nasdaq Rule 4624.

(2) Nasdaq Market Operations staff makes an oral, written, or electronically communicated request for information relating to a specific Nasdaq rule, SEC rule, provision of a joint industry plan (e.g., ITS, UTP, CTA, and CQA) (as promulgated and amended from time-to-time) that Nasdaq Market Operations is responsible for administering or to other duties and/or obligations for which Nasdaq Market Operations is responsible, this shall include, but not be limited to, information relating to an equipment failure.

(b) A failure to comply in a timely, truthful, and/or complete manner with a request for information made pursuant to this rule may be deemed conduct inconsistent with just and equitable principles of trade.

4626. Limitation of Liability

(a) Except as provided for in paragraph (b) below, Nasdaq and its affiliates shall not be liable for any losses, damages, or other claims arising out of the Nasdaq Market Center or its use. Any losses, damages, or other claims, related to a failure of the Nasdaq Market Center to deliver, display, transmit, execute, compare, submit for clearance and settlement, adjust, retain priority for, or otherwise correctly process an order, Quote/Order, message, or other data entered into, or created by,

the Nasdaq Market Center shall be absorbed by the member, or the member sponsoring the customer, that entered the order, Quote/Order, message, or other data into the Nasdaq Market Center.

(b) Nasdaq, subject to the express limits set forth below, may compensate users of the Nasdaq Market Center or Nasdaq's Brut [order execution] system for losses directly resulting from the systems' actual failure to correctly process an order, Quote/Order, message, or other data, provided the Nasdaq Market Center, or Brut system, as applicable, has acknowledged receipt of the order, Quote/Order, message, or data.

(1) For one or more claims made by a single market participant related to the use of the Nasdaq Market Center or Brut system on a single trading day, Nasdaq's liability shall not exceed the larger of $100,000, or the amount of any recovery obtained by Nasdaq under any applicable insurance policy.

(2) For the aggregate of all claims made by all market participants related to the use of the Nasdaq Market Center or Brut system on a single trading day, Nasdaq's liability shall not exceed the larger of $250,000, or the amount of the recovery obtained by Nasdaq under any applicable insurance policy.

(3) For the aggregate of all claims made by all market participants related to the use of the Nasdaq Market Center or Brut system during a single calendar month, Nasdaq's liability shall not exceed the larger of $500,000, or the amount of the recovery obtained by Nasdaq under any applicable insurance policy.

(4) In the event all of the claims arising out of the use of the Nasdaq Market Center or Brut system cannot be fully satisfied because in the aggregate they exceed the maximum amount of liability provided for in this Rule, then the maximum amount will be proportionally allocated among all such claims arising on a single trading day, or during a single calendar month, as applicable.

(5) All claims for compensation pursuant to this Rule shall be in writing and must be submitted no later than the opening of trading on the next business day following the day on which the use of the Nasdaq Market Center or the Brut system gave rise to such claims. Nothing in this rule shall obligate Nasdaq or Brut to seek recovery under any applicable insurance policy.

4627. Obligation To Honor System Trades

(a) If a Participant, or clearing member acting on a Participant's behalf, is reported by the System, or shown by the activity reports generated by the System, as constituting a side of a System trade, such Participant, or clearing member acting on its behalf, shall honor such trade on the scheduled settlement date.

(b) Nasdaq shall have no liability if a Participant, or a clearing member acting on the Participant's behalf, fails to satisfy the obligations in paragraph (a).

4628. Compliance With Rules and Registration Requirements

(a) Failure by a Participant to comply with any of the rules or registration requirements applicable to the Nasdaq Market Center identified herein shall subject such Participant to censure, fine, suspension or revocation of its registration as a Nasdaq Market Maker, Order Entry Firm and/or Nasdaq ECN or any other fitting penalty under the Nasdaq Rules.

(b)(1) If a Participant fails to maintain a clearing relationship as required under paragraphs (a)(2) of Rule 4611, it shall be removed from the Nasdaq Market Center until such time as a clearing arrangement is reestablished.

(2) A Participant that is not in compliance with its obligations under paragraphs (a)(2) of Rule 4611 shall be notified when Nasdaq exercises it authority under paragraph (b)(1) above.

(3) The authority and procedures contained in this paragraph (b) do not otherwise limit Nasdaq's authority, contained in other provisions of the Nasdaq Rules, to enforce its rules or impose any fitting sanction.

[4700. NASDAQ MARKET CENTER—EXECUTION SERVICES]

Nasdaq is proposing to delete each and every rule in the 4700 Series that was approved in the Order dated January 13, 2006.

4750. NASDAQ MARKET CENTER—EXECUTION SERVICES

4751. Definitions

The following definitions apply to the Rule 4600 and 4750 Series for the trading of securities listed on a national securities exchange other than Nasdaq.

(a) The term ''Nasdaq Market Center,'' or ''System'' shall mean the automated system for order execution and trade reporting owned and operated by The NASDAQ Stock Market LLC. The Nasdaq Market Center comprises:

(1) An order execution service that enables Participants to automatically execute transactions in System Securities; and provides Participants with sufficient monitoring and updating capability to participate in an automated execution environment;

(2) A trade reporting service that submits ''locked-in'' trades for clearing to a registered clearing agency for clearance and settlement; transmits last-sale reports of transactions automatically to the National Trade Reporting System, if required, for dissemination to the public and industry; and provides participants with monitoring and risk management capabilities to facilitate participation in a ''locked-in'' trading environment;

(3) A data feed(s) that can be used to display with attribution to Participants' MPIDs all Quotes and Displayed Orders on both the bid and offer side of the market for all price levels then within the Nasdaq Market Center.

(b) The term ''System Securities'' shall mean all securities listed on Nasdaq and all securities subject to the Consolidated Tape Association Plan and the Consolidated Quotation Plan.

(c) The term ''Participant'' shall mean an entity that fulfills the obligations contained in Rule 4611 regarding participation in the System, and shall include:

(1) ''Nasdaq ECNs.'' members that meet all of the requirements of Rule 4623, and that participates in the System with respect to one or more Nasdaq-listed securities.

(2) ''Nasdaq Market Makers,'' members that are registered as Nasdaq Market Makers for purposes of participation in the System on a fully automated basis with respect to one or more System securities.

(3) ''Order Entry Firms,'' members that are registered as Order Entry Firms for purposes of entering orders in System Securities into the System. This term shall also include any Electronic Communications Network or Alternative Trading System that fails to meet all the requirements of Rule 4623.

(d) With respect to System-provided quotation functionality:

(1) The term ''Quote'' shall mean a single bid or offer quotation submitted to the System and designated for display (price and size) next to the Participant's MPID by a Participant that is eligible to submit such quotations.

(2) The term ''Automatic Quote Refresh'' shall mean the default price increment away from the executed price and the size to which a Participant's Quote will be refreshed if the Participant elects to utilize this functionality. If the Participant does not designate an Automatic Quote Refresh size, which must be at least one normal unit of trading, the default Automatic Quote Refresh size shall be 100 shares and the default Automatic Quote Refresh price increment shall be $0.25.

(3) The term ''Reserve Size'' shall mean the System-provided functionality that permits a Participant to display in its Displayed Quote part of the full size of a proprietary or agency order, with the remainder held in reserve on an undisplayed basis. Both the displayed and non-displayed portions are available for potential execution against incoming orders. If the Displayed Quote is reduced to less than a normal unit of trading, the System will replenish the display portion from reserve up to at least a single round-lot amount. A new timestamp is created for the replenished portion of the order each time it is replenished from reserve, while the reserve portion retains the time-stamp of its original entry.

(e) The term ''Order'' shall mean a single order or multiple orders at the same price submitted to the System by a Participant that is eligible to submit such orders and shall include:

(1) ''Attributable Orders,'' orders that are designated for display (price and size) next to the Participant's MPID;

(2) ''Non-Attributable Orders,'' orders that are entered by a Participant that is designated for display (price and size) on an anonymous basis in the order display service of the System; and

(3) ''Non-Displayed Orders,'' a limit order that is not displayed in the System, but nevertheless remains available for potential execution against all incoming orders until executed in full or cancelled.

(f) The term ''Order Type'' shall mean the unique processing prescribed for designated orders that are eligible for entry into the System, and shall include:

(1) ''Discretionary Orders'' are orders that have a displayed price and size, as well as a non-displayed discretionary price range, at which the entering party, if necessary, is also willing to buy or sell. The non-displayed trading interest is not entered into the System book ut is, along with the displayed size, converted to an IOC buy (sell) order priced at the highest (lowest) price in the discretionary price range when displayed shares become available or an execution takes place at any price within the discretionary price range. The generation of this IOC order is triggered by the cancellation of the open shares of the Discretionary Order. If more than one Discretionary Order is available for conversion to an IOC order, the system will convert all such orders at the same time and priority will be given to the first IOC order(s) that reaches the trading interest on the other side of the market. If an IOC order is not executed in full, the unexecuted portion of the order is automatically re-posted and displayed in the System book with a new time stamp, at its original displayed price, and with its non-displayed discretionary price range.

(2) ''Reserve Orders'' are limit orders that have both a round-lot displayed size as well as an additional non-displayed share amount. Both the displayed and non-displayed portions of the Reserve Order are available for potential execution against incoming orders. If the round-lot displayed portion of a Reserve Order is reduced to less than a normal unit of trading, the System will replenish the display portion from reserve up to at least a single round-lot amount. A new timestamp is created for the replenished portion of the order each time it is replenished from reserve, while the reserve portion retains the time-stamp of its original entry.

(3) ''Limit Orders'' are orders to buy or sell a stock at a specified price or better. A limit order is marketable when, for a limit order to buy, at the time it is entered into the System, the order is priced at the current inside offer or higher, or for a limit order to sell, at the time it is entered into the System, the order is priced at the inside bid or lower.

(4) ''Pegged Orders'' are orders that, after entry, has their price automatically adjusted by the System in response to changes in bids or offers in the market, as appropriate. A Pegged Order can specify that its price will equal the inside quote on the same side of the market (''Primary Peg'') or the opposite side of the market (''Market Peg''). A Pegged Order may have a limit price beyond which the order shall not be executed. In addition, Pegged Orders may also establish their pricing relative to the appropriate bids or offers by the selection of one or more offset amounts that will adjust the price of the order by the offset amount selected. A new timestamp is created for the order each time it is automatically adjusted.

(5) ''Minimum Quantity Orders'' are orders that require that a specified minimum quantity of shares be obtained, or the order is cancelled. Minimum Quantity Orders may only be entered with a time-in-force designation of System Hours Immediate or Cancel or Market Hours Immediate or Cancel. Minimum Quantity Orders with a Market Hours Immediate or Cancel time in force received prior to the opening cross or after 4 p.m. will be rejected.

(6) ''Intermarket Sweep Order'' or ''ISO'' are limit orders that are designated as ISOs in the manner prescribed by Nasdaq and are executed within the System by Participants at multiple price levels without respect to Protected Quotations of other market centers within the meaning of Rule 600(b) of Regulation NMS under the Exchange Act of 1934. ISOs are immediately executable within the System pursuant to Rule 4757 and shall not be eligible for routing as set out in Rule 4758.

Simultaneously with the routing of an ISO to the System, one or more additional limit orders, as necessary, are routed by the entering party to execute against the full displayed size of any protected bid or offer (as defined in Rule 600(b) of Regulation NMS under the Act) in the case of a limit order to sell or buy with a price that is superior to the limit price of the limit order identified as an intermarket sweep order (as defined in Rule 600(b) of Regulation NMS under the Act). These additional routed orders must be identified as intermarket sweep orders.

(7) ''Price to Comply Order'' are orders that, if, at the time of entry, a Price to Comply Order would create a violation of Rule 610(d) of Regulation NMS under the Exchange Act of 1934 by locking or crossing the protected quote of an external market or would cause an Order Protection Rule violation, the order will be converted by the System to a Non-Displayed Order and re-priced to the current low offer (for bids) or to the current best bid (for offers). Such Non-Displayed Orders will be cancelled by the System if the market moves through the price of the order after the order is accepted.

(8) ''Price to Comply Post Order'' are orders that, if, at the time of entry, a Price to Comply Post Order would create a violation of Rule 610(d) of Regulation NMS under the Exchange Act of 1934 by locking or crossing the protected quote of an external market or would cause an Order Protection Rule violation, the order will be re-priced and displayed by the System to one MPV below the current low offer (for bids) or to one penny above the current best bid (for offers). Price to Comply Post Orders will not be routed outside of the System.

(g) The term ''Order Size'' shall mean the number of shares up to 999,999 associated with a Quote or Order and shall include:

(1) ''Normal unit of trading'': The round lot size for the security.

(2) ''Mixed lot'': An order that is for more than a normal unit of trading but not a multiple thereof.

(3) ''Odd-lot'': An order that is for less than a normal unit of trading.

(h) The term ''Time in Force'' shall mean the period of time that the System will hold an order for potential execution, and shall include:

(1) ''System Hours Immediate or Cancel'' or ''SIOC'' shall mean, for limit orders so designated, that if after entry

into the System the order (or a portion thereof) is not marketable, the order (or unexecuted portion thereof) shall be canceled and returned to the entering Participant. SIOC Orders shall be available for entry and execution from 7 a.m. until 8 p.m. eastern time.

(2) ''System Hours Day'' or ''SDAY'' shall mean, for orders so designated, that if after entry into the System, the order is not fully executed, the order (or the unexecuted portion thereof) shall remain available for potential display and/or execution from 7 a.m. until 8 p.m. eastern time on the day it was submitted unless cancelled by the entering party.

(3) ''System Hours Good-till-Cancelled'' or ''SGTC'' shall mean, for orders so designated, that if after entry into the System, the order is not fully executed, the order (or unexecuted portion thereof) shall remain available for potential display and/or execution from 7 a.m. until 8 p.m. eastern time unless cancelled by the entering party, or until 1 year after entry, whichever comes first.

(4) ''System Hours Expire Time'' or ''SHEX'' shall mean, for orders so designated, that if after entry into the System, the order is not fully executed, the order (or the unexecuted portion thereof) shall remain available for potential display and/or execution for the amount of time specified by the entering Participant unless canceled by the entering party. SHEX Orders shall be available for entry and execution from 7 a.m. until 8 p.m. eastern time.

(5) ''Market Hours IOC'' or ''MIOC'' shall mean for orders so designated, that if after entry into the System a marketable limit order (or unexecuted portion thereof) becomes non-marketable, the order (or unexecuted portion thereof) shall be canceled and returned to the entering participant. MIOC Orders shall be available for entry from 7 a.m. until 4 p.m. eastern time and for potential execution from 9:30 a.m. until 4 p.m. eastern time. MIOC Orders entered between 7 a.m. and 9:30 a.m. eastern time will be held within the System until 9:30 a.m. at which time the System shall determine whether such orders are marketable.

(6) ''Market Hours Day'' or ''MDAY'' shall mean for orders so designated, that if after entry into the System, the order is not fully executed, the order (or unexecuted portion thereof) shall remain available for potential display and/or execution until 4 p.m. eastern time, unless canceled by the entering party, after which it shall be returned to the entering party. MDAY Orders shall be available for entry from 7 a.m. until 4 p.m. eastern time and for potential execution from 9:30 a.m. until 4 p.m. eastern time.

(7) ''Market Hours GTC'' or ''MGTC'' shall mean for orders so designated, that if after entry into System, the order is not fully executed, the order (or unexecuted portion thereof) shall remain available for potential display and/or execution unless cancelled by the entering party, or until 1 year after entry, whichever comes first. MGTC Orders shall be available for entry from 7 a.m. until 8 p.m. eastern time and for potential execution from 9:30 a.m. until 4 p.m. eastern time.

(8) ''Good-til-market close'' or ''GTMC'' shall mean for orders so designated, that if after entry into the System, the order is not fully executed, the order (or unexecuted portion thereof) shall remain available for potential display and/or execution until cancelled by the entering party, or until the completion of the Nasdaq Closing Cross, after which it shall be returned to the entering party. GTMC orders shall be available for entry and potential execution from 7 a.m. and 8 p.m. eastern time. GTMC orders entered after the Nasdaq Closing Cross will be treated as SIOC orders.

(i) The term ''System Book Feed'' shall mean a data feed for System eligible securities.

4752. Opening Process for Nasdaq-Listed Securities

(a) Definitions. For the purposes of this rule the term:

(1) ''Imbalance'' shall mean the number of shares of buy or sell MOO. LOO or Early Market Hours orders that may not be matched with other MOO, LOO, Early Market Hours, Open Eligible Interest or OIO order shares at a particular price at any given time.

(2) ''Order Imbalance Indicator'' shall mean a message disseminated by electronic means containing information about MOO, LOO, OIO, and Early Market Hours orders and the price at which those orders would execute at the time of dissemination. The Order Imbalance Indicator shall disseminate the following information:

(A) ''Current Reference Price'' shall mean:

(i) The single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum number of shares of MOO, LOO, OIO, Open Eligible Interest and Early Market Hours orders can be paired.

(ii) If more than one price exists under subparagraph (i), the Current Reference Price shall mean the price that minimizes any Imbalance.

(iii) If more than one price exists under subparagraph (ii), the Current Reference Price shall mean the entered price at which shares will remain unexecuted in the cross.

(iv) If more than one price exists under subparagraph (iii), the Current Reference Price shall mean the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at the time of the order imbalance indicator dissemination.

(B) the number of shares represented by MOO, LOO, OIO, Early Market Hours orders, and Open Eligible Interest that are paired at the Current Reference Price;

(C) The size of any Imbalance;

(D) The buy/sell direction of any Imbalance; and

(E) Indicative prices at which the Nasdaq Opening Cross would occur if the Nasdaq Opening Cross were to occur at that time and the percent by which the indicative prices are outside the then current Nasdaq Market Center best bid or best offer. whichever is closer. The indicative prices shall be:

(i) ''Near Clearing Price'' which shall mean the price at which both the MOO, LOO, OIO, and Early Market Hours orders and Open Eligible Interest in the Nasdaq Market Center would execute, and

(ii) ''Far Clearing Price'' which shall mean the price at which the MOO, LOO, OIO, and Early Market Hours orders in the Nasdaq Opening Book would execute.

(iii) If marketable buy (sell) shares would remain unexecuted above (below) the Near Clearing Price or Far Clearing Price, Nasdaq shall disseminate an indicator for ''market buy'' or ''market sell''.

(3) ''Limit On Open Order'' or ''LOO'' shall mean an order to buy or sell at a specified price or better that is to be executed only during the Nasdaq Opening Cross. LOO orders shall execute only at the price determined by the Nasdaq Opening Cross and shall be available for automatic execution. LOO orders may be entered, cancelled and cancel/replaced between 7 a.m. and 9:28 a.m. without restriction. LOO orders may not be cancelled or corrected after 9:28 a.m.

(4) ''Market on Open Order'' or ''MOO'' shall mean an order to buy or sell at the market that is to be executed only during the Nasdaq Opening Cross. MOO orders may be entered, cancelled, and cancel/replaced between 7 a.m. and 9:28 a.m. and shall execute only at the price determined by the Nasdaq Opening Cross.

(5) ''Nasdaq Opening Cross'' shall mean the process for determining the price at which orders shall be executed

at the open and for executing those orders.

(6) ''Opening Imbalance Only Order'' or ''OIO'' shall mean an order to buy or sell at a specified price or better that may be executed only during the Nasdaq Opening Cross and only against MOO, LOO or Early Market Hours orders. OIO orders may be entered between 7 a.m. and 9:29:59 a.m., but they may not be cancelled or modified after 9:28 except to increase the number of shares. OIO sell (buy) orders shall only execute at or above (below) the 9:30 Nasdaq Market Center offer (bid).

(7) ''Market Hours Orders'' shall mean any order that may be entered into the system and designated with a time-in-force of MIOC, MDAY, MGTC. Market Hours Orders shall be designated as ''Early Market Hours Orders'' if entered into the system prior to 9:28 a.m. and shall be treated as market-on-open and limit-on-open orders, as appropriate, for the purposes of the Nasdaq Opening Cross. Orders entered into the system at 9:28 a.m. or after shall be designated as ''Late Market Hours Orders'' and shall be treated as imbalance-only orders for the purposes of the cross. Beginning at 9:28 a.m., requests to cancel or modify Market Hours Orders shall be suspended until after completion of the Opening Cross at which time such requests shall be processed, to the extent that such orders remain available within the System.

(8) ''Open Eligible Interest'' shall mean any quotation or any order that may be entered into the system and designated with a time-in-force of SDAY, SGTC, SHEX, or GTMC.

(b) Trading Prior to Normal Market Hours. The system shall process all eligible Quotes/Orders in Nasdaq-listed securities at 7 a.m.:

(1) At 7 a.m., the system shall add in time priority all eligible Orders in accordance with each order's defined characteristics.

(2) At 9:25 a.m., the system shall open all remaining unopened Quotes in accordance with each firm's instructions.

(3) Nasdaq Quoting Market Participants may instruct Nasdaq to open their Quotes as follows:

(A) At the price of the firm's quote when the quote was closed by the participant during the previous trading day with a normal unit of trading displayed size;

(B) At a price and size entered by the participant between 7 a.m. and 9:24:59 a.m.

(4) All trades executed prior to 9:30 shall be automatically appended with the ''.T'' modifier.

(c) System securities in which no Nasdaq Opening Cross occurs shall begin trading at 9:30 a.m. by integrating Market Hours orders into the book in time priority and executing in accordance with market hours rules.

(d) Processing of Nasdaq Opening Cross. For Nasdaq-listed securities, the Nasdaq Opening Cross shall occur at 9:30, and market hours trading shall commence when the Nasdaq Opening Cross concludes.

(1) Beginning at 9:28 a.m., Nasdaq shall disseminate by electronic means an Order Imbalance Indicator every 5 seconds until market open.

(2)(A) The Nasdaq Opening Cross shall occur at the price that maximizes the number of shares of MOO, LOO, OIO, Early Market Hours orders, and executable quotes and orders in the Nasdaq Market Center to be executed.

(B) If more than one price exists under subparagraph (A), the Nasdaq Opening Cross shall occur at the price that minimizes any Imbalance.

(C) If more than one price exists under subparagraph (B), the Nasdaq Opening Cross shall occur at the entered price at which shares will remain unexecuted in the cross.

(D) If more than one price exists under subparagraph (C), the Nasdaq Opening Cross shall occur at the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at 9:30 a.m.

(E) If the Nasdaq Opening Cross price established by subparagraphs (A) through (D) is outside the benchmarks established by Nasdaq by a threshold amount, the Nasdaq Opening Cross shall occur at a price within the threshold amounts that best satisfies the conditions of subparagraphs (A) through (D). Nasdaq management shall set and modify such benchmarks and thresholds from time to time upon prior notice to market participants.

(3) If the Nasdaq Opening Cross price is selected and fewer than all shares of MOO, LOO, OIO and Early Market Hours Orders that are available in the Nasdaq Market Center would be executed, all Quotes and Orders shall be executed at the Nasdaq Opening Cross price in the following priority:

(A) MOO and Early Market Hours market peg orders, with time as the secondary priority;

(B) LOO orders, Early Market Hours limit orders, OIO orders, SDAY limit orders, SGTC limit orders, GTMC limit orders, SHEX limit orders, displayed quotes and reserve interest priced more aggressively than the Nasdaq Opening Cross price based on limit price with time as the secondary priority;

(C) LOO orders, OIO Orders, Early Market Hours and displayed interest of quotes, SDAY limit orders, SGTC limit orders, GTMC limit orders, and SHEX limit orders at the Nasdaq Opening Cross price with time as the secondary priority;

(D) Reserve interest of quotes, SDAY limit orders, SGTC limit orders, and GTMC limit orders and SHEX limit order at the Nasdaq Opening Cross price with time as the secondary priority; and

(4) All Quotes and Orders executed in the Nasdaq Opening Cross shall be executed at the Nasdaq Opening Cross price, trade reported anonymously, and disseminated via a national market system plan. The Nasdaq Opening Cross price shall be the Nasdaq Official Opening Price for stocks that participate in the Nasdaq Opening Cross.

4753. Nasdaq Halt Cross

(a) Definitions.

For the purposes of this rule the term:

(1) ''Imbalance'' shall mean the number of shares of Eligible Interest that may not be matched with other order shares at a particular price at any given time.

(2) ''Order Imbalance Indicator'' shall mean a message disseminated by electronic means containing information about Eligible Interest and the price at which such interest would execute at the time of dissemination. The Order Imbalance Indicator shall disseminate the following information:

(A) ''Current Reference Price'' shall mean:

(i) The single price at which the maximum number of shares of Eligible Interest can be paired.

(ii) If more than one price exists under subparagraph (i), the Current Reference Price shall mean the price that minimizes any Imbalance.

(iii) If more than one price exists under subparagraph (ii), the Current Reference Price shall mean the entered price at which shares will remain unexecuted in the cross.

(iv) If more than one price exists under subparagraph (iii), the Current Reference Price shall mean:

(a) In the case of an IPO, the price that is closest to the Issuer's Initial Public Offering Price;

(b) In the case of another halt type in which the security has already traded during normal market hours on that trading day, the price that is closest to the last Nasdaq execution prior to the trading halt; and

(c) In the case of another halt type in which the security has not already traded during normal market hours on that trading day, the price that is closest

to the previous Nasdaq Official Closing Price.

(B) the number of shares of Eligible Interest that are paired at the Current Reference Price;

(C) the size of any Imbalance;

(D) the buy/sell direction of any Imbalance; and

(E) indicative prices at which the Nasdaq Halt Cross would occur if the Nasdaq Halt Cross were to occur at that time. The indicative prices shall be:

(i) The Far Clearing Price which shall be the same as the Current Reference Price, and

(ii) The Near Clearing Price which shall be the same as the Current Reference Price.

(iii) If marketable buy (sell) shares would remain unexecuted above (below) the Near Clearing Price or Far Clearing Price, Nasdaq shall disseminate an indicator for ''market buy'' or ''market sell''.

(3) ''Nasdaq Halt Cross'' shall mean the process for determining the price at which Eligible Interest shall be executed at the open of trading for a halted security and for executing that Eligible Interest.

(4) ''Eligible Interest'' shall mean any quotation or any order that may be entered into the system and designated with a time-in-force of SIOC, SDAY, SGTC, MIOC, MDAY, MGTC, SHEX, or GTMC.

(b) Processing of Nasdaq Halt Cross. For Nasdaq-listed securities that are the subject of a trading halt initiated pursuant to Rule 4120(a)(1), (4), (5), (6) or (7), the Nasdaq Halt Cross shall occur at the time specified by Nasdaq pursuant to Rule 4120, and Market hours trading shall commence when the Nasdaq Halt Cross concludes.

(1) At the beginning of the Display Only Period and continuing through the resumption of trading, Nasdaq shall disseminate by electronic means an Order Imbalance Indicator every 5 seconds.

(2)(A) The Nasdaq Halt Cross shall occur at the price that maximizes the number of shares of Eligible Interest in the Nasdaq Market Center to be executed.

(B) If more than one price exists under subparagraph (A), the Nasdaq Halt Cross shall occur at the price that minimizes any Imbalance.

(C) If more than one price exists under subparagraph (B), the Nasdaq Halt Cross shall occur at the entered price at which shares will remain unexecuted in the cross.

(D) If more than one price exists under subparagraph (C), the Nasdaq Halt Cross shall occur at:

(i) In the case of an IPO, the price that is closest to the Issuer's Initial Public Offering Price;

(ii) In the case of another halt type in which the security has already traded during normal market hours on that trading day, the price that is closest to the last Nasdaq execution prior to the trading halt; and

(iii) In the case of another halt type in which the security has not already traded during normal market hours on that trading day, the price that is closest to the previous Nasdaq Official Closing Price.

(3) If the Nasdaq Halt Cross price is selected and fewer than all shares of Eligible Interest that are available in the Nasdaq Market Center would be executed, all Eligible Interest shall be executed at the Nasdaq Halt Cross price in price/time priority.

(4) All Eligible Interest executed in the Nasdaq Halt Cross shall be executed at the Nasdaq Halt Cross price, trade reported anonymously, and disseminated via a national market system plan. The Nasdaq Halt Cross price shall be the Nasdaq Official Opening Price for stocks that participate in the Nasdaq Halt Cross unless the stock has already been traded during normal market hours on that trading day.

(c) Nasdaq-listed securities that are the subject of a trading halt initiated pursuant to Rule 4120(a) and in which no Halt Cross occurs, shall open for trading at the time specified by Nasdaq pursuant to Rule 4120 in the following manner:

(1) Orders shall be added to the book in time priority.

(2) The Nasdaq Official Opening Price for such securities shall be the first Nasdaq market center execution following trade resumption unless the security has already traded during Market hours on that trading day.

4754. Nasdaq Closing Cross

(a) Definitions. For the purposes of this rule the term:

(1) ''Close Eligible Interest'' shall mean any quotation or any order that may be entered into the system and designated with a time-in-force of SDAY, SGTC, MDAY, MGTC, SHEX, or GTMC.

(2) ''Imbalance'' shall mean the number of shares of buy or sell MOC or LOC orders that cannot be matched with other MOC or LOC, Close Eligible Interest or IO order shares at a particular price at any given time.

(3) ''Imbalance Only Order'' or ''IO'' shall mean an order to buy or sell at a specified price or better that may be executed only during the Nasdaq Closing Cross and only against MOC or LOC orders. IO orders can be entered between 7 a.m. and 3:59:59 p.m., but they cannot be modified after 3:50:00 except to increase the number of shares. IO orders can be cancelled between 3:50:00 p.m. and 3:55:00 p.m. only by requesting Nasdaq to correct a legitimate error (e.g., side, size, symbol, price or duplication of an order). IO orders cannot be cancelled after 3:55:00 p.m. for any reason. IO sell (buy) orders will only execute at or above (below) the 4:00:00 System offer (bid).

(4) ''Limit on Close Order'' or ''LOC'' shall mean an order to buy or sell at a specified price or better that is to be executed only during the Nasdaq Closing Cross. LOC orders can be entered, cancelled, and corrected without restriction between 7 a.m. and 3:50:00 p.m. LOC orders can be cancelled between 3:50:00 p.m. and 3:55:00 p.m. only by requesting Nasdaq to correct a legitimate error (e.g., side, size, symbol, price or duplication of an order). LOC orders cannot be cancelled after 3:55:00 p.m. for any reason. LOC Orders will execute only at the price determined by the Nasdaq Closing Cross. All LOC orders must be available for automatic execution.

(5) ''Market on Close Order or MOC'' shall mean an order to buy or sell at the market that is to be executed only during the Nasdaq Closing Cross. MOC orders can be entered, cancelled, and corrected between 7 a.m. and 3:50:00 p.m. MOC orders can be cancelled between 3:50:00 p.m. and 3:55:00 p.m. only by requesting Nasdaq to correct a legitimate error (e.g., side, size, symbol, price or duplication of an order). MOC orders cannot be cancelled after 3:55:00 p.m. for any reason. MOC orders will execute only at the price determined by the Nasdaq Closing Cross. All MOC orders must be available for automatic execution.

(6) ''Nasdaq Closing Cross'' shall mean the process for determining the price at which orders shall be executed at the close and for executing those orders.

(7) ''Order Imbalance Indicator'' shall mean a message disseminated by electronic means containing information about MOC, LOC, IO, and Close Eligible Interest and the price at which those orders would execute at the time of dissemination. The Order Imbalance Indicator shall disseminate the following information:

(A) ''Current Reference Price'' shall mean:

(i) The single price that is at or within the current Nasdaq Market Center best bid and offer at which the maximum

number of shares of MOC, LOC, IO and Close Eligible Interest can be paired.

(ii) If more than one price exists under subparagraph (i), the Current Reference Price shall mean the price that minimizes any Imbalance.

(iii) If more than one price exists under subparagraph (ii), the Current Reference Price shall mean the entered price at which shares will remain unexecuted in the cross.

(iv) If more than one price exists under subparagraph (iii), the Current Reference Price shall mean the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at the time of the order imbalance indicator dissemination.

(B) The number of shares represented by MOC, LOC, IO, and Close Eligible Interest that are paired at the Current Reference Price;

(C) The size of any Imbalance;

(D) The buy/sell direction of any Imbalance; and

(E) Indicative prices at which the Nasdaq Closing Cross would occur if the Nasdaq Closing Cross were to occur at that time and the percent by which the indicative prices are outside the then current Nasdaq Market Center best bid or best offer, whichever is closer. The indicative prices shall be:

(i) ''Far Clearing Price'' which shall mean the price at which both the MOC, LOC, and IO, orders would execute, and

(ii) ''Near Clearing Price'' which shall mean the price at which the MOC, LOC, IO, and Eligible Interest would execute.

(iii) If marketable buy (sell) shares would remain unexecuted above (below) the Near Clearing Price or Far Clearing Price, Nasdaq shall disseminate an indicator for ''market buy'' or ''market sell''.

(b) Processing of Nasdaq Closing Cross. The Nasdaq Closing Cross will begin at 4:00:00, and post-market hours trading will commence when the Nasdaq Closing Cross concludes.

(1) Order Imbalance Indicator. Beginning at 3:50 p.m., Nasdaq shall disseminate by electronic means an Order Imbalance Indicator every 5 seconds until market close.

(2)(A) The Nasdaq Closing Cross will occur at the price that maximizes the number of shares of Eligible Interest in the Nasdaq Market Center to be executed.

(B) If more than one price exists under subparagraph (A), the Nasdaq Closing Cross shall occur at the price that minimizes any Imbalance.

(C) If more than one price exists under subparagraph (B), the Nasdaq Closing Cross shall occur at the entered price at which shares will remain unexecuted in the cross.

(D) If more than one price exists under subparagraph (C), the Nasdaq Closing Cross shall occur at: a price that minimizes the distance from the System bid-ask midpoint at the time of the Nasdaq Closing Cross.

(E) If the Nasdaq Closing Cross Price established by subparagraphs (A) through (D) above is outside the benchmarks established by Nasdaq by a threshold amount, the Nasdaq Closing Cross will occur at a price within the threshold amounts that best satisfies the conditions of subparagraphs (A) through (D) above. Nasdaq management shall set and modify such benchmarks and thresholds from time to time upon prior notice to market participants.

(3) If the Nasdaq Closing Cross price is selected and fewer than all MOC, LOC IO and Close Eligible Interest would be executed, orders will be executed at the Nasdaq Closing Cross price in the following priority:

(A) MOC orders, with time as the secondary priority:

(B) LOC orders, limit orders, IO orders, displayed quotes and reserve interest priced more aggressively than the Nasdaq Closing Cross price based on price with time as the secondary priority:

(C) LOC orders, IO Orders displayed interest of limit orders, and displayed interest of quotes at the Nasdaq Closing Cross price with time as the secondary priority:

(D) Reserve interest at the Nasdaq Closing Cross price with time as the secondary priority; and

(E) Unexecuted MOC, LOC, and IO orders will be canceled.

(4) All orders executed in the Nasdaq Closing Cross will be executed at the Nasdaq Closing Cross price, trade reported anonymously, and disseminated via the consolidated tape. The Nasdaq Closing Cross price will be the Nasdaq Official Closing Price for stocks that participate in the Nasdaq Closing Cross.

(5) Auxiliary Procedures—When significant trading volume is expected at the close of Market hours, Nasdaq may apply auxiliary procedures for the Closing Cross to ensure a fair and orderly market. The determination to implement auxiliary procedures for the Closing Cross shall be made by the President of Nasdaq or any Executive Vice President designated by the President. Nasdaq shall inform market participants of such auxiliary procedures as far in advance as practicable. Auxiliary procedures shall include:

(A) Setting an earlier time or times for the end of the order entry periods set forth in paragraph (a) for IO, MOC, and LOC orders. Nasdaq may end the order entry period as early as 3:40 p.m.

(B) Setting an earlier time for the order modification and cancellation periods in paragraph (a) for IO, MOC, and LOC orders. Nasdaq may end the order modification and cancellation periods as early as 3:40 p.m.

(C) Setting an earlier time for the dissemination times and frequencies set forth in paragraph (b) for the Order Imbalance Indicator. Nasdaq may begin disseminating the Order Imbalance Indicator as early as 3:40 p.m. and may increase or decrease the frequency with which the Order Imbalance Indicator is disseminated.

(D) Adjusting the threshold values set forth in subparagraph (c)(2)(D) to no greater than 20 percent.

4755. Order Entry Parameters

(a) System Orders

(1) General—A System order is an order that is entered into the System for display and/or execution as appropriate. Such orders are executable against marketable contra-side orders in the System.

(A) All System Orders shall indicate limit price and whether they are a buy, short sale, short-sale exempt, or long sale. Systems Orders can be designated as Market Hours Immediate or Cancel (''MIOC''), Market Hours Good-till-Cancelled (''MGTC''), Market Hours Day (''MDAY''), System Hours Expire Time (''SHEX''), System Hours Day (''SDAY''), System Hours Immediate or Cancel (''SIOC''), System Hours Good-till-Cancelled (''SGTC''), or Good-till-Market Close (''GTMC'').

(B) A System order may also be designated as Reserve Order, a Pegged Order, a Non-Displayed Order, a Minimum Quantity Order, an Intermarket Sweep Order, a Price to Comply Order, a Price to Comply Post Order, or a Discretionary Order.

(C) System Hours Pegged Orders. excluding System Hours Pegged Orders ultimately sought to be directed to either the New York Stock Exchange (''NYSE'') or the American Stock Exchange (''AMEX''), may only be entered between 9:30 a.m. and 4:00 p.m. eastern time.

(2) Short Sale Compliance—System orders to sell short shall not be executed if the execution of such an order would violate any applicable short sale regulation of the SEC or Nasdaq.

(3) Routing—All System orders entered by Participants directing or permitting routing to other market centers shall be routed for potential display and/or execution as set forth in Rule 4758 in Compliance with Regulation NMS.

(4) Regulation NMS—Intermarket Sweep Orders shall be executed exclusively within the System and the entering Participants shall be responsible for compliance with Regulation NMS Order Protection Rule and Locked and Crossed market rule with respect to such orders. Orders eligible for execution outside the System shall be processed in compliance with Regulation NMS, including accessing protected quotations and resolving locked and crossed markets, as instructed.

4756. Entry and Display of Quotes and Orders

(a) Entry of Orders—Participants can enter orders into the System, subject to the following requirements and conditions:

(1) Participants shall be permitted to transmit to the System multiple orders at a single as well as multiple price levels. Each order shall indicate the amount of Reserve Size (if applicable).

(2) The System shall time-stamp an order which shall determine the time ranking of the order for purposes of processing the order.

(3) Orders can be entered into the System (or previously entered orders cancelled) from 7 a.m. until 8 p.m. eastern time.

(b) Entry of Quotes—Nasdaq Market Makers and Nasdaq ECNs can enter Quotes into the system from 7 a.m. to 8 p.m. eastern time. When open, Quotes will be processed as System Hours GTC Orders (SGTC). Nasdaq Market Makers and Nasdaq ECNs may elect to utilize the Automatic Quote Refresh functionality. Entry of Quotes will be subject to the requirements and conditions set forth in section (a) above.

(c) Display of Quotes and Orders—The System will display quotes and orders submitted to the System as follows:

(1) System Book Feed—Quotes and orders resident in the System available for execution will be displayed via the System Book Feed.

(2) Best Priced Order Display—For each System Security, the aggregate size of all Quotes and Orders at the best price to buy and sell resident in the System will be transmitted for display to the appropriate network processor, unless the aggregate size is less than one round lot in which case the aggregate size will be displayed in the System Book Feed but not be transmitted to a network processor.

(3) Exceptions— The following exceptions shall apply to the display parameters set forth in paragraphs (1) and (2) above:

(A) Reserve Size—Reserve Size shall not be displayed in the System, but shall be accessible as described in Rule 4757.

(B) Discretionary Orders—The discretionary portion of Discretionary Orders shall not be displayed but shall be made available for execution only upon the appearance of contra-side marketable trading interest, and shall be executed pursuant to 4751(f) and Rule 4757.

(C) Non-Displayed Orders—Non-Displayed Orders are not displayed in the System, and have lower priority within the System than an equally priced Displayed Order, regardless of time stamp, and shall be executed pursuant to Rule 4757.

(D) ITS Trade-Through Compliance and Locked or Crossed Markets—If, at the time of entry, a Displayed Order in an exchange-listed security that the entering party has elected not to make eligible for routing would lock or cross the market, it will be converted by the System into a Non-Displayed Order. If, at the time of entry, a Displayed Order would lock or cross the market or would cause a trade-through violation, the order will be converted by the System to a Non-Displayed Order and re-priced to the current low offer (for bids) or to the current best bid (for offers). Such Non-Displayed Orders will be cancelled by the System if the market moves through the price of the order after the order is accepted. For securities subject to the SEC's De Minimis Exemption for certain Exchange Traded Funds, if, at the time of entry, a Displayed Order that the entering party has elected not to make eligible for routing would lock or cross the market, it will be converted by the System into a Non-Displayed Order. If, at the time of entry, a Displayed Order would cross the market by more than 3 cents or would cause a trade-through violation, the order will be converted by the System to a Non-Displayed Order and re-priced to 3 cents above the current low offer (for bids) or 3 cents below the current best bid (for offers). Such Non-Displayed Orders will be cancelled by the System if the market moves through the price of the order after the order is accepted.

(4) Pursuant to Rule 600(b)(4) of Regulation NMS under the Act, Nasdaq has implemented such systems, procedures, and rules as are necessary to render it capable of meeting the requirements for automated quotations, as defined in Rule 600(b)(3) of Regulation NMS under the Act; and immediately to identify its quotations as manual whenever it has reason to believe it is not capable of displaying automated quotations. Nasdaq has adopted policies and procedures for notifying members and other trading centers that it has reason to believe it is not capable of displaying automated quotations or, once manual, that it has restored the ability to display automated quotations and is preparing to identify its quotation as automated. In addition, Nasdaq has adopted policies and procedures for responding to notices that it receives from other trading centers indicating that they have elected to use the ''self-help'' exception of Rule 611(b)(1) of Regulation NMS under the Act.

4757. Book Processing

(a) System orders shall be executed through the Nasdaq Book Process set forth below:

(1) Execution Algorithm-Price/Time—The System shall execute equally priced or better priced trading interest within the System in price/time priority in the following order:

(A) Displayed Orders;

(B) Non-Displayed Orders, the reserve portion of Quotes and Reserve Orders, in price/time priority among such interest;

(C) The discretionary portion of Discretionary Orders as set forth in Rule 4751(f).

(2) Decrementation—Upon execution, an order shall be reduced by an amount equal to the size of that execution.

(3) Price Improvement—any potential price improvement resulting from an execution in the System shall accrue to the taker of liquidity.

Example:

Buy order resides on System book at 10.

Incoming order to sell priced at 9 comes into the System.

Order executes at 10 (seller get $1 price improvement).

4758. Order Routing

(a) Order Routing Process

(1) The Order Routing Process shall be available to Participants from 7 a.m. until 8 p.m. Eastern Time, and shall route orders as described below:

(A) Exchange-Listed Routing Options. The System provides four routing options for orders in exchange-listed securities. Of these four, only DOT is available for orders ultimately sought to be directed to either the New York Stock Exchange (''NYSE'') or the American Stock Exchange (''AMEX''). The System also allows firms to send individual orders to the NYSE Direct + System, and to elect to have orders not be sent to the AMEX. Except as noted below in SPDY, routed pegged orders in securities listed on another exchange, the System will consider the quotations of accessible markets. The four System routing

options for NYSE and/or Amex listed orders are:

(i) DOT (''DOT'')—under this option, after checking the System for available shares, orders are sent to other available market centers for potential execution, per entering firm's instructions before the destination exchange, so long as such price would not violate the Order Protection Rule. Any un-executed portion will thereafter be sent to the NYSE or AMEX, as appropriate, at the order's original limit order price as a non-intermarket sweep order (ISO). This option may only be used for orders with time-in-force parameters of either SDAY, SIOC, MDAY, MIOC, GTMC or market-on-open/close.

(ii) Reactive Electronic Only (''STGY'')—under this option, after checking the System for available shares, orders are sent to other available market centers for potential execution, per entering firm's instructions, in compliance with the Order Protection Rule. When checking the book, the System will seek to execute at the price it would send the order to a destination market center. If shares remain un-executed after routing, they are posted on the book and are not sent to the NYSE or AMEX. Once on the book, should the order subsequently be locked or crossed by another accessible market center, the System shall route the order to the locking or crossing market center for potential execution in order to resolve the locked or crossed market. With the exception of the Minimum Quantity order type, all time-in-force parameters and order types may be used in conjunction with this routing option. This process is one of the routing strategies allowed by the System for all securities.

(iii) Electronic Only Scan (''SCAN'')—under this option, after checking the System for available shares, orders are sent to other available market centers for potential execution, per entering firm's instructions, in compliance with Rule 6111 under Regulation NMS. When checking the book, the System will seek to execute at the price it would send the order to a destination market center. If shares remain un-executed after routing, they are posted on the book and are not sent to the NYSE or AMEX. Once on the book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center. With the exception of the Minimum Quantity order type, all time-in-force parameters and order types may be used in conjunction with this routing option. This process is one of the routing strategies allowed by the System for all securities.

(iv) Aggressive Electronic Only (''SPDY'')—under this option, after checking the System for available shares, orders are sent to other available market centers for potential execution, per entering firm's instructions, in compliance with Rule 611 of Regulation NMS. When checking the book, the System will seek to execute at the price it would send the order to a destination market center. If shares remain un-executed after routing, they are posted on the book and are not sent to the NYSE or AMEX. Once on the book, should the order subsequently be locked or crossed by another accessible market center, the System shall route the order to the locking or crossing market center for potential execution in order to resolve the locked or crossed market. Market orders with the SPDY designation will, during a locked or crossed market, have their price adjusted by the System to match the best price displayed on the same side of the market as the market order (i.e., a buy order to the bid, a sell to the offer). If the order is for a security eligible for a de minimis exception to the trade-through rule set forth in Section 8(d)(i) of the ITS Plan, the System will ignore AMEX prices when adjusting the SPDY order during a locked or crossed market. With the exception of the Minimum Quantity order type, all time-in-force parameters and order types may be used in conjunction with this routing option. The process is one of the routing strategies allowed by the System for all securities.

(B) Nasdaq-Listed Routing Options. The STGY, SPDY, and SCAN options are the only routing options provided by the System for orders in Nasdaq-listed securities not sought to be directed to either the NYSE or AMEX. For routed pegged orders in Nasdaq-listed securities, the System will consider accessible, automated quotes.

(C) Priority of Routed Orders. Regardless of the routing option selected, orders sent by the System to other markets do not retain time priority with respect to other orders in the System and the System shall continue to execute other orders while routed orders are away at another market center. Once routed by the System, an order becomes subject to the rules and procedures of the destination market including, but not limited to, short-sale regulation and order cancellation. If a routed order is subsequently returned, in whole or in part, that order, or its remainder, shall receive a new time stamp reflecting the time of its return to the System.

4759. ITS Commitments

Until such time as Nasdaq withdraws from the ITS Plan, Quotes and Orders that are eligible for ITS will be processed by the System and routed to the appropriate Non-Nasdaq Participant Market as an ITS Commitment in accordance with the requirements of the ITS Plan and all applicable Nasdaq rules. Nasdaq shall participate in the ITS Plan as set forth below.

(a) Incorporation of ITS Rules.

(1) Pre Opening Application. Nasdaq may use the System to participate in the Pre Opening Application in accordance with Section 7 and Exhibit A of the ITS Plan as though they were set forth in their entirety herein.

(2) The System will comply with the Order Protection obligations set forth in Section 8(d) and Exhibits B and C of the ITS Plan as though they were set forth herein in their entirety.

(b) Inbound ITS Commitments

(1) If the ITS Commitment contains an obvious error, the Nasdaq Market Center will decline it. For purposes of this Rule, a transaction may have an obvious error in any term, such as price, number of shares or other unit of trading, identification of the security, or if a specific commitment to trade has been executed with the wrong Nasdaq Market Maker.

(2) If the ITS Commitment, if executed, would result in a violation of SEC Rule 10a–1, the Nasdaq Market Center will decline it.

(3) If the conditions described in subparagraphs (1) and (2) above do not apply, the System will execute an inbound ITS Commitment in accordance with applicable provisions of the ITS Plan.

(c) Outbound Commitments: Any ''commitment to trade,'' which is transmitted by an Nasdaq Participant to another Non-Nasdaq ITS Participant Market through ITS, shall be firm and irrevocable for the period of thirty seconds following transmission by the sender. All such commitments to trade shall, at a minimum:

(1) Direct the commitment to a particular Non-Nasdaq Participant Market;

(2) Specify the security which is the subject of the commitment;

(3) Designate the commitment as either a commitment to buy or a commitment to sell;

(4) Specify the amount of the security to be bought or sold, which amount shall be for one unit of trading or any multiple thereof;

(5) Specify:

(A) A price equal to the offer or bid price then being furnished by the

destination Non-Nasdaq Participant Market, which price shall represent the price at or below which the security is to be bought or the price at or above which the security is to be sold, respectively;

(B) A price at the execution price in the case of a commitment to trade sent in compliance with the block trade rule; or

(C) That the commitment is a commitment to trade ''at the market'';

(6) Designate the commitment ''short'' or ''short exempt'' whenever it is a commitment to sell which, if it should result in an execution in the receiving market, would result in a short sale to which the provisions of SEC Rule 10a–1(a) under the Act would apply.

(d) Transactions in ITS securities executed in the System are reported to the CTA Plan Processor by the System at the price specified in the commitment or if executed at a better price, the execution price.

IM 4759–1. Contemporaneous Sending of ITS Commitments

With respect to trading of ITS Securities only, the terms ''trade-through'' and ''third participating market center trade-through'' do not include the situation where a member who initiates the purchase (sale) of an ITS Security, at a price which is higher (lower) than the price at which the security is being offered (bid) in another ITS Participant Market, sends contemporaneously through ITS to such ITS Participant Market a commitment to trade at such offer (bid) price or better and for at least the number of shares displayed with that market center's better-priced offer (bid). A trade-through complaint sent in these circumstances is not valid, even if the commitment sent in satisfaction cancels or expires, and even if there is more stock behind the quote in the other market.

4760. Anonymity

(a) Transactions executed in the System shall be cleared and settled anonymously. The transaction reports produced by the System will indicate the details of the transactions, and shall not reveal contra party identities.

(b) Nasdaq shall reveal a Participant's identity in the following circumstances:

(1) When a registered clearing agency ceases to act for a participant. or the Participant's, clearing firm, and the registered clearing agency determines not to guarantee the settlement of the Participant's trades;

(2) For regulatory purposes or to comply with an order of an arbitrator or court;

(3) If both Participants to the transaction consent;

(4) Unless otherwise instructed by a member, Nasdaq will reveal to a member, no later than the end of the day on the date an anonymous trade was executed, when the member's Quote or Order has been decremented by another Quote or Order submitted by that same member.

4761. Adjustment of Open Quotes and/or Orders

The Nasdaq Market Center will automatically purge all open quotes and/or orders in all Nasdaq Market Center eligible securities resident in the system in response to issuer corporate actions related to a dividend, payment or distribution, on the ex-date of such actions, except where a cash dividend or distribution is less than one cent ($0.01).

4762. Clearly Erroneous Transactions

All matters related to clearly erroneous transactions executed in the System shall be initiated and adjudicated pursuant to Rule 11890.

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[4900. BRUT SYSTEMS]

Nasdaq is proposing to delete each and every rule in the 4900 Series that was approved in the Order dated January 13. 2006.

[4950. INET SYSTEM]

Nasdaq is proposing to delete each and every rule in the 4950 Series that was approved in the Order dated January 13, 2006.

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[5200. INTERMARKET TRADING SYSTEM/COMPUTER ASSISTED EXECUTION SYSTEM]

Nasdaq is proposing to delete each and every rule in the 5200 Series that was approved in the Order dated January 13, 2006.

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A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq currently operates three execution systems: (1) The Nasdaq Market Center, formerly known as Supermontage (''NMC Facility''); (2) the Brut ECN, a registered broker-dealer which is a Nasdaq subsidiary (''Brut Facility''); and (3) the INET ECN which is also operated by Brut, LLC, a subsidiary of Nasdaq (''INET Facility'') (collectively, the ''Nasdaq Facilities'').[6] The Nasdaq Facilities are all linked, but each operates pursuant to independent Commission-approved rules, the NMC Facility under the 4700 Series, the Brut Facility under the 4900 Series, and the INET Facility under the 4950 Series.

Through this filing, Nasdaq is proposing to integrate the three matching systems operating in the Nasdaq Facilities into a single matching system (the ''Integrated System'' or ''System''), governed by a single set of rules, and subject to a single fee schedule. Nasdaq states that, to ease the transition for Nasdaq participants, the Integrated System will utilize the same connectivity by which users access each of the Nasdaq Facilities, and leverage functionality that is already approved and operational within one or more of the Nasdaq Facilities. For example, the Integrated System will use slightly modified functionality from the INET Facility for order entry, display, processing, and routing and draw on functionality in the NMC Facility for the opening and closing processes. Participants will remain subject to general obligations applicable to all Nasdaq Facilities, including honoring System trades, complying with all Commission and Nasdaq rules, and properly clearing and settling trades.

As described in more detail below, Nasdaq is also proposing limited modifications that are: (1) Designed to ensure Nasdaq's compliance with Regulation NMS; (2) utilized when Nasdaq operates as an exchange; and (3) improvements to how the System serves investors, for example, by requiring participation in the System on an automated basis.

1. *Reorganization and Simplification of Rules.* Nasdaq states that merging the three Nasdaq Facilities into a single platform provides Nasdaq with an opportunity to simplify its rule manual and make it more transparent to investors. Nasdaq will merge five sets of rules (the 4600, 4700, 4900, 4950, and 5200 Series) into two (the 4600 and 4750 Series). First, Nasdaq is proposing to eliminate two complete sets of rules, those governing the Brut Facility (4900 Series) and those governing the INET Facility (4950 Series). Because the Integrated System draws from both the current NMC Facility rules as well as

[6] Nasdaq states that, until January 31, 2006, INET ATS, Inc. was a registered broker-dealer and a member of the NASD. On February 1, 2006, the INET broker-dealer was merged into the Brut broker-dealer which is a member of the New York Stock Exchange. Nasdaq states that it will continue to operate the Brut Facility and INET Facility under the rubric of a single broker-dealer until the Integrated System is fully operational.

the INET Facility rules, Nasdaq determined to create an entirely new set of rules for the Integrated System, the 4750 Series, rather than attempt to modify the current NMC Facility rules.

Second, since the Integrated System provides a single platform for the trading of stocks listed on the Nasdaq exchange as well as other exchanges, Nasdaq is merging the rules governing members that trade both sets of securities. Specifically, Nasdaq is proposing to eliminate the Nasdaq Rule 5200 Series governing securities eligible to trade via the Intermarket Trading System (''ITS Securities''). Nasdaq will retain the obligations set forth in the Nasdaq Rule 5200 Series, many of which overlap completely with rules in the Nasdaq Rule 4600 Series that currently apply only to market makers in Nasdaq-listed securities. Nasdaq will insert into similar rules already contained in the Nasdaq Rule 4600 Series governing Nasdaq-listed securities. As a result, the proposed Nasdaq Rule 4600 Series will set forth the obligations of all Nasdaq participants—market makers, order entry firms, and ECNs—in all securities traded on Nasdaq.

Nasdaq states that, because market makers in ITS Securities are already subject to strict regulations applicable to those for Nasdaq securities, Nasdaq is able to merge these rule sets with the assistance of only a single new rule. Proposed Nasdaq Rule 4602 sets forth definitions formerly contained in Nasdaq Rule 5210 that are specific to the trading of ITS Securities. All other market maker obligations from the Nasdaq Rule 5200 Series will reside in the Nasdaq Rule 4600 Series with minor changes or none at all. Specifically, Nasdaq is proposing to merge former Nasdaq Rule 5220 regarding ITS/CAES Registration into proposed Nasdaq Rule 4611; former Nasdaq Rule 5221 (Obligations of ITS/CAES Market Makers) into proposed Nasdaq Rules 4612 and 4613; former Nasdaq Rule 5222 (Withdrawal of Quotations) into proposed Nasdaq Rule 4619; former Nasdaq Rule 5223 (Voluntary Termination of Registration) into proposed Nasdaq Rule 4620; former Nasdaq Rule 5224 (Suspension and Termination of Quotations) into proposed Nasdaq Rule 4621; former Nasdaq Rule 5265 (Authority to Cancel or Adjust Transactions) into proposed Nasdaq Rule 4762); and former Nasdaq Rule 5266 (Market Participant Identifiers) into proposed Nasdaq Rule 4613. As a result, Nasdaq market makers will have virtually uniform obligations across all securities under those rules. As described in more detail in Section 2 below, the remainder of the Nasdaq Rule 5200 Series obligations will be retained in proposed Nasdaq Rule 4959 governing ITS Commitments.

Finally, Nasdaq is proposing to create a set of rules that purely governs the operation of the Integrated System, separate from the rules governing System participants. Therefore, the proposed Nasdaq Rule 4750 Series contains only those rules relating to the execution of trades by the Integrated System, and rules unrelated to actual executions have been moved to the Nasdaq Rule 4600 Series. For example, current Nasdaq Rules 4712 and 4713 (NMC Facility), 4907 and 4908 (Brut Facility), and 4958 and 4959 (INET Facility) governing participants' obligations to honor trades and to comply with applicable rules and registration requirements have been all renumbered as Nasdaq Rules 4627[7] and 4628. Several rules formerly contained in the Nasdaq Rule 4700 Series governing the NMC Facility duplicate in whole or in part rules that also exist in the Nasdaq Rule 4600 Series. For example, current Nasdaq Rules 4617, 4705, 4912, and 4963 all describe Nasdaq's hours of operation and Nasdaq Rules 4618, 4711, 4906, and 4957 all govern Clearance and Settlement. Those rules will be maintained in the Nasdaq Rule 4600 Series as Nasdaq Rules 4617 and 4618.

As set forth in more detail in Section 2 below, the remaining rules contained in the Nasdaq Rule 5200 Series will be incorporated into proposed Nasdaq Rule 4759 governing ITS Commitments.

2. *Exchange Registration Readiness.* Nasdaq will program the Integrated System to operate in compliance with Nasdaq's recent registration as a national securities exchange to reflect the Nasdaq rules approved via the January 13, 2006 Order. For example, the Integrated System will not accept reports of transactions occurring outside the Integrated System as it does today. The Integrated System will interact with the network processors for the various national market system plans in compliance with Commission rules governing exchanges, most notably the Quote Rule provisions governing transmission of quotation information in Rule 602(a)(1)(i) under Regulation NMS. Nasdaq states that the Integrated System will also fulfill Nasdaq's new role as an exchange in the national market system plans themselves.

In fact, the vast majority of exchange-related modifications are necessitated by changes to the national market system plan governing the Intermarket Trading System (''ITS Plan'').[8] Nasdaq states that it ensures that its members comply with the ITS Plan by programming many Plan restrictions into its execution system. As an association market, Nasdaq participates in ITS trading through its individual ITS market makers. The ITS Plan has detailed rules governing the obligations of individual ITS market makers, including the obligations of each to maintain a two-sided quote, to comply with the ITS trade through rule and locked and crossed market rule, and to maintain particular ITS operations on their premises. A significant aspect of Nasdaq's current participation in the ITS linkage is the inability for Nasdaq order entry firms to post liquidity in the Nasdaq Market Center.

As an exchange market, Nasdaq states that it will participate as a single, unified trading entity on its own behalf for the benefit of its members. As such, Nasdaq itself will be bound by the obligations of the ITS Plan, and its members will be relieved of obligations that have not applied to members of other exchanges or even to NASD members that participate in other exchanges' execution facilities. Nasdaq will maintain a single two-sided quotation, rather than its members being obligated individually to maintain two-sided quotes. Additionally, Nasdaq states that it, rather than its members, will be responsible for trade-through compliance, opening the system to full participation by order entry firms.

Nasdaq states that it will continue to rely on system programming to comply with its obligations under the ITS Plan. Nasdaq has re-numbered current NASD Rule 4708 as Nasdaq Rule 4759, in order to retain—on an exchange basis—the compliance obligations contained in the current rule. Specifically, proposed Nasdaq Rule 4759(a) states that the System will comply with obligations imposed by ITS Plan provisions governing Trade Throughs,[9] Block

[7] Nasdaq states that proposed Nasdaq Rule 4627 will also apply to trading in ITS Securities and will replace current Nasdaq Rule 5261.

[8] Nasdaq states that on December 27, 2005, the Operating Committee of the ITS Plan unanimously approved the 22nd Amendment to the Plan which admits Nasdaq to the ITS Plan as a new Exchange Participant. The 22nd Amendment will be formally filed with the Commission when each of the ITS Participants has executed the required documents. The 22nd Amendment and the formation documents for the successor to the ITS Plan, the so-called ''NMS Linkage Plan,'' are being circulated simultaneously.

[9] Nasdaq is proposing to retain at Nasdaq Rule 4756(b)(3)(F) the INET Facility processing for ITS Trade Through and Locked and Crossed markets compliance which currently is described at NASD Rule 4954(b)(3)(F). Nasdaq proposes adding a description of the System processing for securities

Trade Throughs, and Locked and Crossed Markets (Section 8).[10] Nasdaq states that it will retain all existing Plan obligations, but is proposing to incorporate by reference the ITS Plan language by reference rather than needlessly repeating the lengthy Plan language in its rule manual, thereby eliminating the need for current Nasdaq Rules 5240, 5250, 5262, 5263, and 5264.

Nasdaq states that proposed Nasdaq Rule 4759(b) is identical to current NASD Rule 4708(b) with one exception. Nasdaq is proposing to expand section (b)(1) to include the ITS ''clearly erroneous policy'' currently stated in NASD Rule 5265. Nasdaq states that this modification is designed to maintain the status quo with respect to Nasdaq's implementation of the obvious error policy for ITS Securities.

Nasdaq is also proposing to add Nasdaq Rule 4759(c), which will incorporate subsections (b) and (d) of NASD Rule 5230, entitled ''ITS Operations,'' with minor updates to reflect current ITS functionality and Nasdaq's rule as an exchange rather than an association. Nasdaq is proposing to eliminate subsection (a) of NASD Rule 5230 as redundant with proposed Nasdaq Rule 4618 governing clearance and settlement. Nasdaq is proposing to eliminate subsection (c) of NASD Rule 5230 and to rely instead on Nasdaq Rules 4619 and 4620 to govern market maker quotation practices in ITS Securities. Finally, Nasdaq is proposing to renumber without modification the text of NASD IM–5262–1 except to limit the proposed rule to ITS securities, governing the contemporaneous sending of commitments, as Nasdaq IM–4759–1.

3. *Regulation NMS Readiness.* Nasdaq is proposing to design the Integrated System to comply with Regulation NMS, and to launch it to precede or coincide with the implementation of the Fair Access and Order Protection Rules, Rules 610 and 611 of Regulation NMS.[11] First, Nasdaq has proposed, as Nasdaq Rule 4613(e), the language recently proposed by the staff of the Division of Market Regulation (''Division'') as a uniform rule on locked and crossed markets for each self regulatory organization subject to Regulation NMS. Nasdaq states that it will amend this filing to incorporate any modifications that the Division proposes prior to approval of this filing.

Second, Nasdaq is proposing to design the Book Processing (Nasdaq Rule 4757) and Order Routing (Nasdaq Rule 4758) functionality of the Integrated System to comply with Regulation NMS. With respect to Book Processing, Nasdaq will permit firms to designate orders entered into the Integrated System as Intermarket Sweep Orders within the definition of Rule 600(b) of Regulation NMS, and to require the entering party to assume responsibility for compliance with respect to the presence of protected quotations in market centers outside of Nasdaq. Nasdaq states that orders designated as such will be automatically matched and rapidly executed without reference to protected quotations in other trading centers. Nasdaq believes that this approach will increase the efficiency of the Nasdaq system and also preserve the maximum flexibility for Nasdaq participants to use alternative order routing systems.

As described in more detail in Section 8 below, for orders entered into the Integrated System without the Intermarket Sweep designation, Nasdaq will offer routing strategies that comply with Rules 610 and 611 of Regulation NMS. Nasdaq states that its Integrated System will automatically identify circumstances requiring routing and utilize the routing strategy selected by the entering party in compliance with Rules 610 and 611 of Regulation NMS, whether the circumstances pertain to the existence of a protected quote, the existence of a locked or crossed market, or the need to resolve an existing locked or crossed market.

Third, Nasdaq is proposing not to offer order delivery processing in the Integrated System to avoid harming investors that participate in Nasdaq on an automatic execution basis. Nasdaq has determined that offering order delivery functionality risks harming automatic execution participants in Nasdaq's system by threatening to render Nasdaq a non-automated or ''slow'' market center and render quotes there un-protected, at any time a single order delivery participant's quote is ''slow.'' Furthermore, Nasdaq states that a single order delivery participant experiencing technical or operations difficulties could prompt other market centers to invoke the ''self-help'' exception under Rule 611(b)(1) of Regulation NMS against the Nasdaq Market Center. Nasdaq's experience with order delivery participants has established that, at certain times, especially leading up to the close of market hours, order delivery participants are unable to respond to delivered orders to meet the definition of an automated response under Rule 600(b) of Regulation NMS. Finally, Nasdaq does not believe it can offer order delivery functionality and also continuously provide ''a response to incoming orders that does not significantly vary between orders handled entirely within the SRO trading facility and orders delivered to the ECN.'' [12] Nasdaq states that it would be at a substantial competitive disadvantage were it to risk moving into a slow quote status or to risk having other market centers declare self-help against the Nasdaq Market Center in order to integrate order delivery participants.[13]

Nasdaq states that it will offer current order delivery participants extensive testing opportunities to test their systems using Nasdaq's automatic execution functionality. Nasdaq assumes that firms that remain order delivery participants today have chosen to do so for financial or other competitive reasons beyond Nasdaq's control or responsibility.

Finally, Nasdaq has added Nasdaq Rule 4756(c)(4), which states that Nasdaq has adopted policies and procedures to identify its quotes as manual or automated and to notify its members of the status of its quotations.

4. *Openings and Closing.* Nasdaq is proposing to leverage its highly successful opening and closing processes, including the Opening and Closing Crosses and the recently proposed IPO/Halt Cross. The Cross functionality is currently described in NASD Rules 4704 and 4709, and will be renumbered as Nasdaq Rules 4752 (Opening), 4753 (IPO/Halt) [14] and 4754 (Closing), and modified to optimize its efficiency on the new Nasdaq Market

subject to the Commission's so-called ''de minimis'' exception to the ITS trade through rule.

[10] Though Nasdaq may do so under proposed Nasdaq Rule 4759(a)(1), Nasdaq states that it is not planning to initiate a Pre-Opening Application or to participate in the Pre-Opening Applications of other markets. The Pre-Opening Application is a mechanism designed for use by the primary listing markets for ITS Securities to open their markets at prices that are materially different than the previous day's closing prices. Today, the Pre-Opening Application is initiated by the NYSE and Amex for their securities.

[11] Nasdaq has already adopted a rule to implement its obligations under the sub-penny rule, Rule 612 of Regulation NMS under the Act. Nasdaq proposes to renumber that provision at Nasdaq Rule 4613(a)(1)(B).

[12] *See* Responses to Frequently Asked Questions Concerning Rule 611 and Rule 610 of Regulation NMS under the Act, dated January 27, 2006, at Question 5 *(http://www.sec.gov/divisions/marketreg/rule611faq.pdf).*

[13] Nasdaq states that it is unable to detect in Regulation NMS or in the Exchange Act a requirement that national securities exchanges offer the opportunity for order delivery participation in their execution systems. If such a requirement were to exist, Nasdaq states that it would consider adopting a rule similar to that of other exchanges that offer order delivery participation in compliance with Regulation NMS.

[14] Nasdaq states that proposed Nasdaq Rule 4753, governing the Nasdaq Halt Cross, incorporates a proposal set forth in SR–NASD–2006–015, which has not yet been approved.

Center platform. Set forth below is a detailed description of the proposed changes from current functionality.

Nasdaq states that the Nasdaq Opening Process, set forth in proposed Nasdaq Rule 4753, is modeled closely on functionality approved for use in the Nasdaq Market Center under current Nasdaq Rule 4704. Several definitions have been changed in non-substantive ways to make the language of the rules governing the Opening and Closing Crosses more consistent and readable. Specifically, existing Nasdaq Rule 4704(a)(2) and (7) have been combined to describe in one place the purpose and function of the Order Imbalance Indicator, and the phrase ''Inside Match Price'' replaced by ''Current Reference Price'' with a clarifying tiebreaker added at Nasdaq Rule 4752(a)(2)(A)(iii) and a minor modification to the wording of the third tiebreaker set forth in subsection (a)(2)(A)(iv).

Nasdaq is proposing to modify slightly the entry parameters for Opening Cross orders. Specifically, entry of Limit on Open (''LOO'') Orders will begin at 7 a.m. rather than 7:30 a.m. and cease at 9:28 a.m. rather than 9:30 a.m. (Nasdaq Rule 4752(a)(3)). Market on Open (''MOO'') Orders (subsection (a)(4) and Opening Imbalance Only (''OIO'') orders (subsection (a)(6)) will also be permitted entry at 7 a.m. rather than 7:30 a.m. ''Regular Hours Orders'' have been recast in proposed Nasdaq Rule 4752(a)(7) as ''Market Hours Orders'' and modified such that, for purposes of the Opening Cross, Early Market Hours Orders will be treated as MOO or LOO orders as appropriate and Late Market Hours Orders will be treated like OIO Orders.

Under proposed Nasdaq Rule 4752(b), the System will open for trading prior to normal market hours at 7 a.m. rather than 7:30 a.m. Participants will have the option to open their quotes at a price and size determined by the participant between 7 a.m. and 9:24:59 a.m. At 9:25 a.m., the System will open all remaining quotes according to each firm's instructions as to price and size. Securities in which no Opening Cross occurs will, pursuant to proposed Nasdaq Rule 4752(c), begin trading at 9:30 a.m. according to market hours processing rules described in further detail below.

The Opening Cross itself will occur as it does currently with two minor exceptions. First, Nasdaq is proposing to add a tiebreaker to Nasdaq Rule 4752(d)(2)(C) to clarify that shares will be executed in price priority. Second, Nasdaq is substituting current Regular Hours order types with proposed Market Hours order types with slightly different characteristics. Nasdaq states that the mechanism for setting the Opening Cross price, determining priority, executing the cross, and reporting to the consolidated tape will remain unchanged from today.

Nasdaq states that the proposed Nasdaq Halt Cross is virtually identical to that proposed for use by the Nasdaq Market Center. The phrase ''Current Reference Price'' has replaced ''Inside Match Price'' and Nasdaq has added new language to both the Current Reference Price (Nasdaq Rule 4753(a)(2)(C) and the Cross (Nasdaq Rule 4753(b)(2)(C) to clarify the tiebreakers used in determining reference and execution prices. The term ''Eligible Interest'' has been modified to reflect the new order types that Nasdaq is proposing herein (Nasdaq Rule 4753(a)(4), and Nasdaq is proposing to clarify that trades executed as part of the Halt Cross will be reported anonymously to the network processor (Nasdaq Rule 4753(b)(4)).

The Nasdaq Closing Cross, set forth at proposed Nasdaq Rule 4754, will be modified as were the Opening and Halt Crosses. The definitions have been modified to reflect the order types proposed for the Integrated System, to substitute ''Current Reference Price'' for ''Inside Match Price,'' and to add the same additional tiebreaker to the calculation of the Current Reference Price and the Closing Cross itself. Nasdaq states that, as with the Opening and Halt Crosses, the substance of the Nasdaq Closing Cross will remain as it is currently on the Nasdaq Market Center.

5. Order Display/Matching System. Nasdaq states that the System will be based upon functionality currently approved for use in Nasdaq's INET Facility. Specifically, the System will allow participants to enter priced limit orders to buy and sell Nasdaq and exchange-listed securities as attributed, non-attributed, or non-displayed orders. Attributable Orders are designated for display (price and size) next to the Participant's MPID. Non-Attributable Orders are entered by a Participant and designated for display (price and size) on an anonymous basis in the order display service of the System. Non-Displayed Orders are not displayed in the System, but nevertheless remains available for potential execution against all incoming orders until executed in full or canceled.

Orders may be in round-lots, mixed-lots, or odd-lots of any size up to 999,999 shares. Participants will be permitted to enter multiple orders at single or multiple price levels and will have the option to have a portion of their order held in reserve and not displayed to the marketplace. Nasdaq will, in turn, make available to System participants and market data vendors a data feed of all displayable orders on both the bid and offer side of the market (excluding reserve size share amounts) for all price levels at which shares are available within its System. Nasdaq states that the System will comply with Rule 612 of Regulation NMS by accepting sub-penny prices in $0.0001 increments for securities priced under $1.00 a share and by rejecting orders in sub-penny increments for securities priced over $1.00 per share. Sub-penny prices are viewable via the System Data Feed.

Nasdaq will also offer the opportunity for Nasdaq participants to enter quotations from 7 a.m. until 8 p.m. eastern time. When open, quotes will be processed as System Hours GTC Orders, as set forth in Nasdaq Rule 4751(h)(3) under the same terms and conditions as order entry under Nasdaq Rule 4757(a). Nasdaq Market Makers and Nasdaq ECNs may elect to utilize the Automatic Quote Refresh functionality, which will refresh a participant's quote to 100 shares unless another size is selected.

6. Order Types. Nasdaq states that the proposed System will make available to Participants Limit Orders, Discretionary Orders, and Reserve Orders with the same characteristics and functionality that is currently approved for use in the INET Facility. ''Limit Orders'' are orders to buy or sell a stock at a specified price or better. A limit order is marketable when, for a limit order to buy, at the time it is entered into the System, the order is priced at the current inside offer or higher, or for a limit order to sell, at the time it is entered into the System, the order is priced at the inside bid or lower.

''Discretionary Orders'' are orders that have a displayed price and size, as well as a non-displayed discretionary price range, at which the entering party, if necessary, is also willing to buy or sell. The non-displayed trading interest is not entered into the System book but is, along with the displayed size, converted to an IOC buy (sell) order priced at the highest (lowest) price in the discretionary price range when displayed shares become available or an execution takes place at any price within the discretionary price range. The generation of this IOC order is triggered by the cancellation of the open shares of the Discretionary Order. If more than one Discretionary Order is available for conversion to an IOC order, the system will convert all such orders at the same time and priority will be given to the first IOC order(s) that

reaches the trading interest on the other side of the market. If an IOC order is not executed in full, the unexecuted portion of the order is automatically re-posted and displayed in the System book with a new time stamp, its original displayed price, and its non-displayed discretionary price range.

''Reserve Orders'' are limit orders that have both a round-lot displayed size as well as an additional non-displayed share amount. Both the displayed and non-displayed portions of the Reserve Order are available for potential execution against incoming orders. If the round-lot displayed portion of a Reserve Order is reduced to less than a normal unit of trading, the System will replenish the display portion from reserve up to at least a single round-lot amount. Nasdaq states that a new timestamp is created for the replenished portion of the order each time it is replenished from reserve, while the reserve portion retains the time-stamp of its original entry.

The proposed System will make available the Pegged Order and the Minimum Quantity Order types that are currently approved for use in the INET Facility with minor modifications as described below. ''Pegged Orders'' are orders that, after entry, have their price automatically adjusted by the System in response to changes in bids or offers in the market, as appropriate. A Pegged Order can specify that its price will equal the inside quote on the same side of the market (''Primary Peg'') or the opposite side of the market (''Market Peg''). A Pegged Order may be a market order (the only market order available in the System) or it may have a limit price beyond which the order shall not be executed. Nasdaq states that a Pegged Order—whether Primary, Market, limit-priced, or market-priced—will comply with Rule 610 of Regulation NMS, the locked and crossed market rule. In addition, Pegged Orders may also establish their pricing relative to the appropriate bids or offers by the selection of one or more offset amounts that will adjust the price of the order by the offset amount selected. A new timestamp is created for the order each time it is automatically adjusted.

Nasdaq is proposing to clarify that Pegged Orders will be priced relative to the bids and offers of the markets to which they may be routed in accordance with the routing instructions selected by the entering firm. For example, if the routing instruction calls for the System to route the order to either the New York Stock Exchange (''NYSE''), Archipelago, or the National Stock Exchange, the bids and offers considered will be those of the potential recipient markets and will not include, for example, the bids and offers of the American Stock Exchange (''Amex''). Nasdaq states that, after Regulation NMS is implemented, an order that is pegged to the NBBO will be pegged to the best-priced protected quotations as defined in Rule 600 of Regulation NMS and will not consider non-protected quotations. As described in more detail in the Routing section below, the System will provide a variety of routing alternatives that comply with Regulation NMS without further action by the entering firm, as well as options that require entering firms to take additional steps to comply with their own regulatory obligations.

''Minimum Quantity Orders'' are orders that require that a specified minimum quantity of shares be obtained, or the order is cancelled. Minimum Quantity Orders may only be entered with a time-in-force designation of Immediate or Cancel (''IOC''). This order type is being modified to reflect that IOC orders may have a time in force of either System Hours Immediate or Cancel or Market Hours Immediate or Cancel. Minimum Quantity Orders with a Market Hours Immediate or Cancel time in force received prior to the opening cross will be rejected.

Finally, Nasdaq is proposing three new order types for the integrated system: Intermarket Sweep Orders, Price to Comply Orders, and Price to Comply Post Orders. ''Intermarket Sweep Orders'' are limit orders entered into the System and designated by Participants to be executed within the System at multiple price levels without respect to protected quotations on other market centers. Intermarket Sweep Orders are immediately executable within the System under Nasdaq Rule 4757 and are not be eligible for routing as set out in Nasdaq Rule 4758. By designating an order as an Intermarket Sweep Order, entering firms are agreeing that they will take any additional steps that they deem necessary to comply with their own regulatory obligations. Specifically, simultaneously with the routing of an ISO to the System, one or more additional limit orders, as necessary, are routed to execute against the full displayed size of any protected bid or offer (as defined in Rule 600(b) of Regulation NMS) in the case of a limit order to sell or buy with a price that is superior to the limit price of the limit order identified as an Intermarket sweep order (as defined in Rule 600(b) of Regulation NMS). These additional routed orders must be identified as intermarket sweep orders.

''Price to Comply Order'' are orders that, if, at the time of entry, a Price to Comply Order would create a violation of Rule 610(d) of Regulation NMS by locking or crossing the protected quote of an external market or would cause an Order Protection Rule violation, the order will be converted by the System to a Non-Displayed Order and re-priced to the current low offer (for bids) or to the current best bid (for offers). Such Non-Displayed Orders will be cancelled by the System if the market moves through the price of the order after the order is accepted.

Lastly, Nasdaq is proposing to offer a ''Price to Comply Post Order,'' which is an order that, if, at the time of entry, a Price to Comply Post Order would create a violation of Rule 610(d) of Regulation NMS by locking or crossing the protected quote of an external market or would cause an Order Protection Rule violation, the order will be re-priced and displayed by the System to one quotation increment below the current low offer (for bids) or to one penny above the current best bid (for offers). Price to Comply Post orders will not be routed outside of the System.

7. *Time in Force Designations.* Nasdaq is proposing to expand the number of time in force designations currently available for use in the INET Facility. Participants entering orders into the System may designate such orders to remain in force and available for display and/or potential execution for varying periods of time. Unless cancelled earlier, once these time periods expire, the order (or the unexecuted portion thereof) is returned to the entering party.

The time in force designations are broken down into two categories: system hours and market hours. ''System Hours'' designated orders may be entered beginning at 7 a.m. e.s.t. and are available for execution at all times while the System operates, 7 a.m. through 8 p.m. e.s.t. ''Market Hours'' designated orders may be entered beginning at 7 a.m. but are available for execution only during normal market hours, 9:30 a.m. through 4 p.m. e.s.t. These ''time in force'' designations are described in more detail below.

''System Hours Immediate or Cancel'' or ''SIOC'': limit orders, with this designation may be entered and executed between 7 a.m. and 8 p.m. e.s.t. but if after entry into the System any portion of the order is not marketable, that portion order is canceled and returned to the entering Participant.

''System Hours Day'' or ''SDAY'': orders with this designation may be entered, displayed and/or executed between 7 a.m. and 8 p.m. but if after entry into the System, the order is not

fully executed, the unexecuted portion remains available for potential display and/or execution until 8 p.m. e.s.t. on the day it was submitted unless cancelled before then by the entering party.

''System Hours Good-till-Cancelled'' or ''SGTC'': if after entry into the System, orders designated as SGTC that are not fully executed remain available for potential display and/or execution between 7 a.m. and 8 p.m. eastern time until cancelled by the entering party, or until 1 year after entry, whichever comes first.

When using the ''System Hours Expire Time'' or ''SHEX'' order, users will be permitted to designate the amount of time the order will remain available for execution within the System. If, after entry, the order is not fully executed, the order (or the unexecuted portion thereof) shall remain available for potential display and/or execution for the amount of time specified unless canceled by the entering party. SHEX Orders will be available for entry and execution from 7 a.m. eastern time until 8 p.m. eastern time.

''Market Hours IOC'' or ''MIOC'': if after entry a marketable limit order designated as MIOC becomes non-marketable, the order (or unexecuted portion) will be canceled and returned to the entering participant. MIOC Orders may be entered between 7 a.m. and 4 p.m. e.s.t. and executed between 9:30 a.m. and 4 p.m. e.s.t. MIOC Orders entered between 7 a.m. and 9:30 a.m. eastern time will be held within the System until 9:30 a.m. at which time the System shall determine whether such orders are marketable.

''Market Hours Day'' or ''MDAY'': if after entry an order designated as MDAY is not fully executed, the order (or unexecuted portion) remains available for display and/or execution until 4 p.m. eastern time, after which it will be returned to the entering party. MDAY Orders are available for entry between 7 a.m. and 4 p.m. e.s.t. and for execution between 9:30 a.m. and 4 p.m. e.s.t.

''Market Hours GTC'' or ''MGTC'': if after entry an order designated as MGTC is not fully executed, the order (or unexecuted portion) remains available for display and/or execution until cancelled by the entering party, or until 1 year after entry, whichever comes first. MGTC Orders may be entered between 7 a.m. and 8 p.m. e.s.t. and executed between 9:30 a.m. and 4 p.m. e.s.t.

''Good-til-market close'' or ''GTMC'': if entered into the System between 7 a.m. and 4 p.m., an order designated as GTMC that is not fully executed, the order remains available for display and/or execution until cancelled by the entering party, or until the completion of the Nasdaq Closing Cross, after which it is returned to the entering party if unexecuted. GTMC orders entered after the Nasdaq Closing Cross will be treated as SIOC orders.

8. *Anonymity*. Nasdaq states that the System's anonymity standards are substantially similar to those in place in the INET Facility except that the System will clear trades through a registered clearing agency rather than through INET.

9. *Routing*. Nasdaq states that the System will provide the same capability that the INET Facility currently offers to route orders to other available market centers, with the exception that Nasdaq is proposing to consolidate the current DOT routing options for ITS Securities. DOT orders will be routed to available destinations based on the entering firm's instructions. In addition, Nasdaq is revising the routing functionality to comply with the Order Protection and Fair Access provisions of Regulation NMS. Routing functionality is available to System users between the hours of 7 a.m. and 8 p.m. eastern time. In general, the System provides users with four optional routing strategies for exchange-listed securities. These strategies are summarized below:

DOT (DOT). After checking the System for available shares, the order will be sent to various available market centers for potential execution, as instructed by entering firm. Any remaining un-executed portion will thereafter be sent to the NYSE or the American Stock Exchange, as appropriate, at the limit order price for posting. This strategy may only be used for orders with time-in-force parameters of either MDAY, MIOC, or market-on-open/close.

Example of DOT Routable Order

- The current NBBO is $10.00 bid × $10.02 offer
- Offer size is as follows:

—300 shares System displayed
—200 shares System non-displayed
—100 shares PCX
—200 shares NYSE

- Participant A enters a buy order for 1,000 shares at 10.02
- Participant A will execute against 300 shares at 10.02 displayed and the 200 shares non-displayed
- The System will route the remaining shares to PCX
- Participant A will receive 100 shares from PCX
- The System will then route 400 shares to NYSE.
- Participant A will receive 200 shares from NYSE. The remaining 200 shares will reside on the NYSE book, per routing instructions.

SCAN/STGY/SPDY. In all of these routing options, after checking the System for available shares, orders will be sent to various available market centers for potential execution, as instructed by the entering firm. For all these options, when checking the System book, the System will look to execute at the price it would send the order to a destination market center and, if any shares remain un-executed after routing, they are posted on the System book and are not sent to another market for posting.

Once returned to the System book after routing, an order with the SCAN designation will *not* be routed out to an accessible market center that subsequently locks or crosses the SCAN order. Orders with STGY and SPDY will be routed to an accessible market center that subsequently locks or crosses the STGY or SPDY order. While both STGY and SPDY orders will route to locking or crossing markets, the SPDY order will be re-priced by the System to match on then being displayed on the same side of the market by the locking or crossing market center (i.e., a buy order to the bid and a sell to the offer).

With the exception of the Minimum Quantity Order type, all time-in-force parameters and order types may be used with the STGY, SCAN, and SPDY routing options. Nasdaq states that orders routed by Nasdaq to another market do not retain time priority with respect to other orders in the System and Nasdaq continues to execute other orders while the routed order is away at another market. Nasdaq states that, once routed, an order becomes subject to the rules and procedures of the destination market including, but not limited to, short-sale regulation and order cancellation. Orders routed to a destination market that are subsequently returned in whole or in part to the System shall have their time priority based on the time they are returned to the System.

Example of STGY Routable Order

- The current NBBO is $10.00 bid × $10.02 offer, size 200 shares at Chicago
- Nasdaq has a non-display offer of 500 shares at $10.01
- Participant A enters an order into the System to buy 1,000 shares at $10.02
- The System will first check the System book for any potential orders at $10.02.
- Participant A will execute 500 shares on Nasdaq at $10.01 (the non-display order on the book)

• The System will then route the order to Chicago at $10.02
• 200 shares execute at Chicago at $10.02
• 300 shares of the order remain unexecuted, and are entered onto the System book at $10.02.
• 5 seconds later PCX enters the market with an offer of $10.02 for 500 shares.
• The System will cancel the order off the book, and route 300 shares at $10.02 to PCX
• PCX executes 300 shares at $10.02
• Participant A receives an execution for the remaining 300 shares in the order

Example of STGY Routable Order (Crossed Market)

• The current NBBO is $10.01 bid × $10.00 offer
• The System has 500 shares on the offer at $10.00
• PCX has 300 shares on the offer at $10.00
• Participant A enters a Market Pegged Order to buy 1,000 shares
• The System will price the order at $10.00 and IOC the System book
• Participant A will receive 500 shares at $10.00
• The System will route the remaining shares to PCX
• Participant A will receive 300 shares at $10.00 from PCX
• After attempting to exhaust the quotes, the remaining 200 shares will be posted to the System book at $10.00

Example of SCAN Routable Order

• The current NBBO is $10.00 bid × $10.02 offer, size 200 shares at PCX
• Nasdaq has a non-display offer of 500 shares at $10.01
• Participant A enters an order onto Nasdaq to buy 1,000 shares at $10.02
• The System will first IOC the Nasdaq book for any potential orders at or better than the limit price
• Participant A will execute 500 shares on Nasdaq at $10.01 (the non-display order on the book)
• The System will route the order off the book with the remaining shares of the order, 500, to the PCX at $10.02
• 200 shares execute at the PCX at $10.02
• 300 shares of the order remain unexecuted, and are entered onto the System book at $10.02
• 5 seconds later PCX enters the market with an offer of $10.02
• The System will not route the order to PCX, but will keep the order on the System, per Participant A's routing instructions

Example of SPDY Routable Order (Crossed Market)

• The current NBBO is $10.01 bid × $10.00 offer
• Nasdaq has 1,000 shares on the offer at $10.01
• PCX has 300 shares on the offer at $10.00
• Participant A enters a Market Pegged Order to buy 1,000 shares
• After checking the System at $10.00 and finding no orders, the System will route the 1,000 shares to PCX at $10.00
• Participant A will receive 300 shares at $10.00 from PCX
• The remaining 700 shares will be sent to the System book at $10.01
• Participant A executes 700 shares at $10.01 on the System

10. Book Processing

Nasdaq states that the System, like the INET Facility, will have a single execution algorithm based on price/time priority. Nasdaq states that new Nasdaq Rule 4757 is identical to current Nasdaq Rule 4955 governing the INET Facility. For each order, among equally-priced or 100 better-priced trading interest, the System executes against available contra-side displayed share amounts in full, in price/time priority, before then moving to any non-displayed shares which are likewise executed in price/time priority.

Nasdaq believes that the System execution algorithm complies with the Order Protection and Access Rules, Rules 611 and 610, respectively of Regulation NMS. With respect to Intermarket Sweep Orders within the meaning of Rule 600(b)(30) of Regulation NMS, the System will execute them in price/time priority and the entering Participant will be responsible for compliance with Rules 610 and 611 of Regulation NMS.

Below are examples of this algorithm:

Displayed Order

• The current NBBO is $10.00 bid × $10.02 offer
• Participant A enters a display order to buy 1,000 shares at $10.01
• NBBO is changed to $10.01 × $10.02
• Participant B sees the 1,000 share order at $10.01 and enters an order to sell 500 shares at $10.01
• The orders match at $10.01, with 500 shares matched
• NBBO remains at $10.01 × $10.02 with the size on the bid decremented to 500 shares, the amount of shares matched

Limit Order (with Reserve)

• The current NBBO is $10.01 bid × $10.02 offer
• Participant A enters an order to buy 1,000 shares, display 200, at $10.01
• The System bid is $10.01, 200 displayed, 800 non-displayed
• Participant B enters a display buy order for 1,000 shares at $10.01
• The System bid is $10.01, 1,200 displayed, 800 non-displayed
• Participant C enters an order to sell 1,500 shares at $10.01
• Participant C receives executions against orders as follows:
—Participant A executes 200 shares at $10.01
—Participant B executes 1,000 shares at $10.01 (display order receives priority over non-display even though non-display order was there first)
—Participant A executes 300 shares from non-display portion
• Participant C has executed a total of 1,500 shares 103
• Participant B has executed all 1,000 of its shares
• Participant A has 200 shares remaining in its order, and is now displayed, per original instructions

Routable Order

• The current NBBO is $10.00 bid × $10.02 offer, size 200 shares at PCX
• Nasdaq has a non-display offer of 500 shares at $10.01
• Participant A enters an order into Nasdaq to buy 1,000 shares at $10.02
• The System will first check the System book for any potential orders at or better than the inside offer
• Participant A will execute 500 shares on Nasdaq at $10.01 (the non-display order on the book)
• 500 shares of the order remain unexecuted, and are routed to PCX at $10.02
• 200 shares execute at PCX
• 300 shares remain unexecuted and are entered onto the Nasdaq book at $10.02

11. *Adjustment of Open Orders.* Nasdaq has determined that, in the event of a corporate actions related to a dividend, payment or distribution by the issuer of a System security, Nasdaq will automatically purge from the System all open quotes and/or orders on the ex-date of such actions, except where a cash dividend or distribution is less than one cent ($0.01). Nasdaq's current approach to the adjustment of open orders varies depending upon whether: (1) The trading interest is a quotation, an order to buy, or an order to sell order; (2) the order is a round lot or odd lot, (3) the security is listed on Nasdaq, NYSE, or Amex, and (4) the corporate action is a stock dividend, cash dividend, split, or reverse split. Nasdaq currently believes that this

function is more appropriately performed by individual Nasdaq members in consultation with their clients.

12. *Phase-in Plan.* Nasdaq currently expects to launch the Integrated System in time for the implementation of the Order Protection and Access Rules under Regulation NMS, currently scheduled for June 29, 2006. Nasdaq states that, ideally, it would implement the Integrated System in May of 2006, sufficiently far in advance of the re-constitution of the Russell indices to permit participants to enter the Nasdaq closing cross with the same confidence and with the same superior performance they have achieved in the past. Alternatively, Nasdaq states that it would implement the Integrated System in early July of 2006 to avoid impacting the reconstitution.

Nasdaq, having determined that market participants generally prefer a rapid system roll-out over a protracted one, states that it plans to make a complete transition within three to four weeks of first launching the Integrated System, barring unforeseen circumstances.

13. *Pricing.* Nasdaq has filed a unified fee and rebate structure governing the use of the System.

2. Statutory Basis

Nasdaq believes that the proposed rule change, as amended, is consistent with the provisions of Section 6 of the Act[15] in general, and Section 6(b)(5) of the Act[16] in particular, in that it is it is designed 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 are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of the Act or the administration of the exchange.

[15] 15 U.S.C. 78f.

[16] 15 U.S.C. 78f(b)(5). The statutory basis section in Nasdaq's proposed rule change inadvertently referenced 15 U.S.C. 78f(b)(6) and has been redesignated 15 U.S.C. 78f(b)(5). Telephone conversation on March 30, 2006 between Jeffrey Davis, Senior Associate General Counsel, Nasdaq, and David Liu, Attorney Division, Commission.

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. Nasdaq operates in an intensely competitive global marketplace for listing, financial products, transaction services, and market data. Relying on its array of services and benefits, Nasdaq competes for the privilege of providing market and listing services to broker-dealers and issuers. Nasdaq states that its ability to compete in this environment is based in large part on the quality of its trading systems, the overall quality of its market and its attractiveness to the largest number of investors, as measured by speed, likelihood and cost of executions, as well as spreads, fairness, and transparency.

With these aspects of competition as a guide, Nasdaq states that it has designed its current proposal to create the fastest, fairest, most transparent, most efficient, and least expensive trading venue available for the trading of equity securities. Nasdaq believes that the proposed system will fuse the best functional elements from each of Nasdaq's three separate systems, including the automatic execution environment and speed of the INET and Brut Facilities, the Opening and Closing Crosses from the NMC Facility, and the liquidity from all three. Nasdaq believes that the resulting system will reduce overall trading costs and increase price competition, both pro-competitive developments. Nasdaq believes that the resulting system will have the pro-competitive effect of spurring further initiative and innovation among market centers and market participants. Nasdsq states that market participants that disagree and do not view these developments as pro-competitive, will have the flexibility and choice to use only those functions that improve their trading or to not use the system at all; participation in the system in whole or part is completely voluntary.

Nasdaq is proposing to discontinue some aspects of its current system that harm Nasdaq's competitiveness, including the order delivery functionality of the NMC facility. Nasdaq states that the order delivery functionality harms Nasdaq's competitiveness against other exchanges and reduces the overall quality of its marketplace for the average participant. Nasdaq states that, with respect to other markets, Nasdaq's order delivery function is unique; no other exchange offers order delivery to its participants. Nasdaq states that providing order delivery is expensive, complex, and detrimental to system performance, thereby increasing the cost and complexity of Nasdaq's trading systems and decreasing its performance vis à vis Nasdaq's competitors. Because market participants cannot predict whether their orders will be delivered (slow) as opposed to automatically executed (fast), Nasdaq states that order delivery also discourages order flow providers to send orders to Nasdaq for processing and thereby harms Nasdaq's ability to compete with other markets operated by self-regulatory organizations that do not offer order delivery.

Moreover, Nasdaq believes that, within its own systems, the presence of order delivery negatively impacts the competition between market makers, ECNs/ATS, and agency broker-dealers that compete for retail and institutional order flow. Although Nasdaq will not itself engage in that competition, Nasdaq views this competition among its system participants as a major factor in the quality of its market. Nasdaq states that today, market makers and agency broker-dealers that are required to participate in Nasdaq via automatic execution view themselves as disadvantaged relative to ECNs and ATSs that can participate via either automatic execution or order delivery. Nasdaq believes that eliminating order delivery functionality will level the playing field between market participants that compete within Nasdaq's system thereby increasing the attractiveness of Nasdaq's system to the largest number of investors and market participants and, in turn, improving Nasdaq's overall competitiveness as a market.

Nasdaq states that its ability to innovate and compete by providing the fastest, fairest, most efficient system possible is particularly important in light of the adoption of Regulation NMS. Regulation NMS highlights the importance of speed, accessibility, and efficiency as well as the risks of delay, isolation and inefficiency. To remain competitive under Regulation NMS, Nasdaq, and all other market participants, will be required to continually evaluate their systems and business models in the manner Nasdaq has done here.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which Nasdaq consents, the Commission will:

(A) by order approve such proposed rule change, as amended; or

(B) institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronics 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–NASDAQ–2006–001 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–NASDAQ–2006–001. 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 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–NASDAQ–2006–001 and should be submitted on or before May 5, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Nancy M. Morris,

Secretary.

[FR Doc. 06–3341 Filed 4–13–06; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53617; File No. SR–NASD–2006–043]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Fee for the Brut Workstation

April 7, 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 March 31, 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. 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)[3] of the Act and Rule 19b–4(f)(2) thereunder,[4] which renders 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 establish a fee for use of the Brut Workstation. Nasdaq states that it will implement the proposed rule change on April 3, 2006.

The text of the proposed rule change is below. Proposed new language is in italics.[5]

* * * * *

7010. System Services

(a) through (e) No change.

(f) Access Services.

(1)–(5) No change.

(6) Brut Workstation

Members using the Brut Workstation to access Brut will be charged a fee of $300 per user per month.

(g) through (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

Nasdaq proposes to institute a fee of $300 per user per month for Brut subscribers that access Brut through the Brut Workstation. Nasdaq states that the Brut Workstation is a legacy access product that the Brut ECN has been providing its customers for a number of years. The workstation is owned and operated by Sungard Trading Systems (''Sungard''), the former owner of Brut. Nasdaq states that after it purchased Brut, Nasdaq staff decided to continue to provide the service to Brut ECN customers until Nasdaq and Brut integrated their respective books. Since Brut did not incur fees from Sungard for provisioning the product, users of the workstation were not charged. Nasdaq states that Sungard recently notified Nasdaq that it plans to charge Nasdaq $300 per workstation user per month. Nasdaq would pass along this charge to the current users of the Brut

[17] 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).

[5] 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 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).

Workstation. Nasdaq represents that it is its intention to sunset the Brut Workstation once Nasdaq and Brut are integrated later this year. Nasdaq states that this filing applies solely to members, as none of the non-member subscribers of Brut currently use the Brut Workstation and Nasdaq is not making the Brut Workstation available to subscribers that do not currently use it.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[6] in general, and with section 15A(b)(5) of the Act,[7] 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 would pass along to subscribers a new charge incurred by Nasdaq in providing the Brut Workstation to Brut 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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Nasdaq states that 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[8] and subparagraph (f)(2) of Rule 19b–4[9] thereunder because it establishes or changes a due, fee, or other charge 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 such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR-NASD–2006–043 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–2006–043. 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–2006–043 and should be submitted on or before May 5, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Nancy M. Morris,

Secretary.

[FR Doc. E6–5549 Filed 4–13–06; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5374]

Notice of Meeting of the Advisory Committee on International Law

A meeting of the Advisory Committee on International Law will take place on Friday, April 28, 2006, from 10:00 a.m. to approximately 4:00 p.m., as necessary, in Room 1105 of the United States Department of State, 2201 C Street, NW., Washington, DC. The meeting will be chaired by the Legal Adviser of the Department of State, John B. Bellinger, III, and will be open to the public up to the capacity of the meeting room. The meeting will discuss various issues relating to current international legal topics, including human rights and international humanitarian law, immunity for visiting artworks, international tribunals, and head of state immunity.

Entry to the building is controlled and will be facilitated by advance arrangements. Members of the public desiring access to the session should, by Tuesday, April 25, 2006, notify the Office of the Assistant Legal Adviser for United Nations Affairs (telephone: 202–647–2767) of their name, date of birth; citizenship (country); ID number, *i.e.*, U.S. government ID (agency), U.S. military ID (branch), passport (country), or drivers license (state); professional affiliation, address and telephone number in order to arrange admittance. This includes admittance for government employees as well as others. All attendees must use the ''C'' Street entrance, after being screened through the exterior screening facilities. One of the following valid IDs will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. Government agency ID. Because an escort is required at all times, attendees should expect to remain in the meeting for the entire morning or afternoon session.

Dated: April 7, 2006.

Judith L. Osborn,

Attorney-Adviser, Office of United Nations Affairs, Office of the Legal Adviser, Executive Director, Advisory Committee on International Law, Department of State.

[FR Doc. E6–5581 Filed 4–13–06; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Proposed Cancellation of the Air Taxi Authority of Aero Leasings, Inc. D/B/A Air Florida Airlines

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2006–4–7), Docket OST–2001–9214.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order (1) finding that Aero Leasings, Inc. d/b/a Air Florida Airlines lacks the compliance disposition to hold part 298 exemption authority (2) proposing to cancel its part 298 exemption authority.

DATES: Persons wishing to file objections should do so no later than April 24, 2006.

ADDRESSES: Objections and answers to objections should be filed in Docket OST–2001–9214 and addressed to U.S. Department of Transportation, Docket Operations, (M–30, Room PL–401), 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mr. Damon D. Walker, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–7785.

Dated: April 10, 2006.

Michael W. Reynolds,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. E6–5552 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Grant, Hardy, Hampshire, and Mineral Counties in WV; and, Allegany County, MD

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier I Environmental Impact Statement (EIS) will be prepared to review improvements in the existing transportation system between Interstate 68 in Western Maryland and Appalachian Corridor H in the West Virginia Potomac Highlands. The study area generally parallels the existing U.S. 220 highway corridor.

FOR FURTHER INFORMATION CONTACT: Henry E. Compton, Division Environmental Coordinator, Federal Highway Administration, West Virginia Division, Geary Plaza, Suite 200, 700 Washington Street East, Charleston, West Virginia 25301, Telephone: (304) 347–5268.

SUPPLEMENTARY INFORMATION: In July 2001, the *North South Appalachia Corridor Study* was completed by the states of Maryland, Pennsylvania, and West Virginia. The study concluded that the U.S. Route 220 corridor south from Interstate 68 connecting to Appalachian Corridor H in eastern West Virginia provided great potential for benefiting Appalachian economic development. The purpose of this EIS is to review options for a new or improved highway between these termini as part of the National Highway System. The proposed corridor improvements will serve to improve the existing transportation system by providing an upgraded north-south road in order to resolve existing transportation deficiencies and to enhance regional commerce for areas residents, businesses, and visitors. It will also service interstate north-south travel movements and support other economic development efforts throughout the Appalachian regions of Maryland, West Virginia, Pennsylvania, and Virginia. The EIS will be prepared by the West Virginia Department of Transportation, Division of Highways in cooperation with the Maryland State Highway Administration for the Federal Highway Administration (FHWA) to fulfill the requirements established in the National Environmental Policy Act in conformance with current FHWA regulations and guidance materials. The EIS will be prepared as a Tiered document. The tiered process will provide a systematic approach for advancing the best transportation improvements in the most cost-effective manner. The analyses undertaken during Tier I will lead to the identification of the most practical corridor for carrying out transportation improvements. A Record of Decision will be prepared at the conclusion of the Tier I EIS process to identify the option that best meets the identified transportation need. Subsequently, if more detailed study of a particular option or corridor is required, further environmental analyses will be undertaken. The scope of future environmental studies will be commensurate with the proposed action and potential environmental consequences.

Alternates under consideration in the EIS will be: (1) The no action alternative, (2) build corridors identified in the *North South Appalachia Corridor Study*, and (3) alternatives identified based on discussions with the resource agencies and the public during the environmental scoping process.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal. Public and resource agency meetings are currently being scheduled for the spring of 2006. Meeting notifications will be made to the public, resource agencies and the public in accordance with the approved public involvement procedures for each state. At this time, it is anticipated meetings will be held in Cumberland, Maryland and Keyser and Moorefield, West Virginia.

To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: March 31, 2006.

Henry E. Compton,

Environmental Coordinator, Charleston, West Virginia.

[FR Doc. 06–3576 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TIFIA Program Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The DOT seeks views on regulatory implementation of changes made by SAFETEA–LU to the TIFIA statute. All interested persons are invited to offer views at two public meetings.

DATES: The first public meeting will be held on April 21, 2006, in San Francisco, CA, beginning at 9 a.m. The second public meeting will be held on April 25, 2006, in New York, NY, beginning at 1 p.m.

ADDRESSES: The first public meeting will be held at the Omni San Francisco Hotel, 500 California Street, San Francisco, CA 94104. The second public meeting will be held at the Marriott Financial Center, 85 West Street, New York, NY 10006.

FOR FURTHER INFORMATION CONTACT: Robert Clarke Brown, (202) 366–6813, *Robert.C.Brown@fhwa.dot.gov*; Mark Sullivan, (202) 366–5785, *Mark.Sullivan@fhwa.dot.gov*. TIFIA Joint Program Office, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144), enacted in 2005, made certain changes to the Transportation Infrastructure Finance and Innovation Act (TIFIA), originally established in 1998 by the Transportation Equity Act for the 21st Century (TEA–21). The Department of Transportation is beginning a rulemaking to implement those 2005 statutory changes, as well as to make other changes to the current TIFIA rule. The DOT plans to publish a notice of proposed rulemaking later this year. Prior to publication of the proposed rule, the DOT seeks information and views from the public that might assist it in developing the proposed rule.

Public Meetings

The DOT invites participation in these meetings by all those interested in the TIFIA program, including but not limited to public officials, private citizens, bankers, financial advisors, attorneys, and officials of rating agencies, bond insurers, project developers and engineering and construction companies. Views on all aspects of TIFIA regulatory implementation, both changes required by the 2005 SAFTEA–LU amendments and recommended or needed changes to the existing rule, are welcome. Meeting proceedings will be recorded. Written submissions are welcome, although not required for participation. The DOT is particularly interested in comments pertaining to the changes SAFETEA–LU made in the TIFIA statute.

The DOT expects each meeting to last approximately three hours. No pre-registration is required for participation.

Issued on: April 10, 2006.

A. Thomas Park,

Chief Financial Officer.

[FR Doc. E6–5594 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–23238]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 14 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSR). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10). The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective April 14, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@fmcsa.dot.gov,* FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at *http://dmses.dot.gov.*

Background

On January 31, 2006, FMCSA published a Notice of receipt of exemption applications from 14 individuals, and requested comments from the public (71 FR 5105). The 14 individuals petitioned FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Nick D. Bacon, Donald G. Bostic, Jr., Johnny W. Bradford, Aaron C. Buck, James C. Davis, James H. Eldridge, Jr., Michael G. Gould, Albert L. Gschwind, Bruce A. Homan, Matthew J. Konecki, Rick P. Moreno, Roy J. Oltman, Monte L. Purciful, and Bernard J. Wood.

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 14 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on March 2, 2006. Three comments were received, and fully considered by FMCSA in reaching the final decision to grant the exemptions.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSR provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

Since 1992, the Agency has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70 to 120 degrees, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Pual Aiello, M.D., and James W. Rosenberg, M.D., ''Visual Requirements and Commercial Drivers,'' October 16, 1998, filed in the docket, FMCSA–98–4334). The panel's conclusion supports the Agency's view that the present visual acuity standard is reasonable and necessary as a general standard to ensure highway safety. FMCSA also

recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 14 exemption applicants listed in this Notice fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, glaucoma, cataract macular degeneration and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but eight of the applicants were either born with their vision impairments or have had them since childhood. The eight individuals who sustained their vision conditions as adults have had them for periods ranging from 6 to 26 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 14 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 45 years. In the past 3 years, none of the drivers have had any convictions for traffic violations and none of them were involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the January 31, 2006 Notice (71 FR 5105).

Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA–98–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996.) The fact that experienced monocular drivers with good driving records in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes. (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of the American Statistical Association, June 1971.) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 14 applicants, we note that one of the applicants had a traffic violation for speeding and one of them was involved in a crash. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e) to the 14 applicants

listed in the Notice of January 31, 2006 (71 FR 5105).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 14 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

Ms. Barb Sachau opposes the notion of granting vision exemptions to these drivers. She believes that two fully functional eyes are needed to drive safely.

Ms. Sachau believes that the approval of vision exemptions make the roads much more dangerous.

In regard to these comments, the discussion under the heading, ''Basis for Exemption Determination,'' explains in detail the evaluation methods the Agency utilizes prior to granting an exemption to ensure that the granting of an exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA–98–3637.

An anonymous individual stated that he/she is in support of the vision program due to the thorough screening that all applicants must go through.

Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts Nick D. Bacon, Donald G. Bostic, Jr., Johnny W. Bradford, Aaron C. Buck, James C. Davis, James H. Eldridge, Jr., Michael G. Gould, Albert L. Gschwind, Bruce A. Homan, Matthew J. Konecki, Rick P. Moreno, Roy J. Oltman, Monte L. Purciful, and Bernard J. Wood from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 10, 2006.

Larry W. Minor,

Director, Office of Bus and Truck Standards and Operations.

[FR Doc. 06–3587 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–23773]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 19 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSR). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10). The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective April 14, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@fmcsa.dot.gov,* FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Document Management System (DMS) at *http://dmses.dot.gov.*

Background

On February 9, 2006, FMCSA published a Notice of receipt of exemption applications from 19 individuals, and requested comments from the public (71 FR 6826). The 19 individuals petitioned FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate

commerce. They are: Scott E. Ames, Otto J. Ammer, Jr., Harold J. Barley, Jr., Arthur L. Fields, John W. Foggy, Rupert G. Gilmore, III, George R. Gorsuch, Jr., Walter R. Hardiman, Sergio A. Hernandez, Burt A. Hughes, Fredrick C. Ingles, Clyde Johnson, III, Paul E. Lindon, Aaron G. Lougher, Joe S. Nix, IV, Luis F. Saavedra, Raul R. Torres, Darwin J. Thomas and Darel G. Wagner.

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 19 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on March 13, 2006.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSR provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

Since 1992, the Agency has undertaken studies to determine if this vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70 to 120 degrees, while leaving the visual acuity standard unchanged. (See Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Pual Aiello, M.D., and James W. Rosenberg, M.D., ''Visual Requirements and Commercial Drivers, '' October 16, 1998, filed in the docket, FMCSA–98–4334.). The panel's conclusion supports the Agency's view that the present visual acuity standard is reasonable and necessary as a general standard to ensure highway safety. FMCSA also recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 19 exemption applicants listed in this Notice fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, aphakia, cataract, macular scarring and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but seven of the applicants were either born with their vision impairments or have had them since childhood. The seven individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 19 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 19 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 30 years. In the past 3 years, one of the drivers had a conviction for failure to obey a traffic sign and none were involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 9, 2006 Notice (71 FR 6826).

Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA–98–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996.) The fact that experienced monocular drivers with good driving records in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes. (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971.) A 1964 California Driver Record Study prepared by the California

Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 19 applicants, we note that one of the applicants had a conviction for traffic violation, failure to obey a traffic sign. None of the applicants were involved in crashes. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e) to the 19 applicants listed in the Notice of February 9, 2006 (71 FR 6826).

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 19 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

Advocates for Highway and Auto Safety (Advocates) express continued opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA exempts Scott E. Ames, Otto J. Ammer, Jr., Harold J. Barley, Jr., Arthur L. Fields, John W. Foggy, Rupert G. Gilmore, III, George R. Gorsuch, Jr., Walter R. Hardiman, Sergio A. Hernandez, Burt A. Hughes, Fredrick C. Ingles, Clyde Johnson, III, Paul E. Lindon, Aaron G. Lougher, Joe S. Nix, IV, Luis F. Saavedra, Raul R. Torres, Darwin J. Thomas and Darel G. Wagner from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 31, 2006.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. E6–5592 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–99–6156, FMCSA–2002–11426]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 18 individuals. FMCSA has statutory authority to exempt individuals from its vision standards if the exemptions granted will not compromise safety. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10). The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective April 23, 2006. Comments must be received on or before May 15, 2006.

ADDRESSES: You may submit comments identified by DOT Docket Management System (DMS) Docket Numbers FMCSA–99–6156 and FMCSA–2002–11426, using any of the following methods.

- Web site: *http://dmses.dot.gov*. Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- 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.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket numbers for this Notice. Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or 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. The DMS is available 24 hours each day, 365 days each year. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@fmcsa.dot.gov*, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This Notice addresses 18 individuals who have requested renewal of their exemptions in a timely manner. FMCSA has evaluated these 18 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Louis N. Adams
Lyle H. Banser
Lloyd J. Botsford
Joseph E. Buck, Sr.
Paul D. Gaither
Victor B. Hawks
Edward W. Hosier
Lucio Leal
Terry W. Lytle
Earl R. Mark
Richard W. Neyens
Anthony G. Parrish
Bill L. Pearcy
Robert H. Rogers
George L. Silvia
Mark J. Stevwing
Frankie A. Wilborn
Jeffrey L. Wuolett

These exemptions are extended subject to the following conditions: (1) That each individual have an examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 18 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 54948; 65 FR 159; 67 FR 10475; 69 FR 8260; 67 FR 10471; 67 FR 19798; and 69 FR 19611). Each of these 18 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 15, 2006.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31315 and 31136(e) can be satisfied by initially granting the renewal and then requesting and subsequently evaluating any comments submitted by interested parties. As indicated above, the Agency

previously published Notices of final disposition announcing its decision to exempt these 18 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant the exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its Notices of applications. Those Notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties possessing information that would suggest that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e), FMCSA will take immediate steps to revoke the exemption(s) in question.

Issued on: March 31, 2006.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. E6–5593 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Demonstration of Enhanced Human Service Transportation Models: Phase 1—System Development and Design

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice; request for proposals.

SUMMARY: This notice is a request for proposals (RFP) for system development and design of enhanced human service transportation models. The USDOT seeks up to 10 local communities to carry out detailed development and design of coordinated human service transportation systems that utilize Intelligent Transportation Systems capabilities. The expected results from Phase 1 include up to 10 ''deployment-ready,'' replicable and scalable system detailed designs for enhanced human service transportation delivery models in communities representing a variety of operational environments and scenarios.

DATES: Proposals will be accepted immediately, as of the issue date of this RFP. All proposals must be submitted electronically to Grants.Gov by June 13, 2006, or postmarked by June 13, 2006, for consideration. All potential applicants are advised to begin the Grants.Gov registration process immediately, if they have not previously submitted grant applications through *http://www.Grants.Gov* in order to be able to meet the deadline.

ADDRESSES: Proposals should be submitted electronically to *http://www.Grants.Gov.* Grants.Gov allows organizations to electronically find and apply for competitive opportunities from all Federal grant-making agencies. Grants.Gov is the single access point for over 1,000 programs offered by the 26 Federal grant-making agencies.

Proposals can also be submitted in hard copy. Should the applicant elect this option, five hard copies and one unbound reproducible hard copy of the proposal, along with an electronic copy of the proposal contained on a CD-ROM should be submitted to Ms. Aletha Goodine, Office of Mobility Innovation, Room 9402, TRI–10, Federal Transit Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590. All proposals should reference ''Enhanced Human Service Transportation System Development and Design.''

FOR FURTHER INFORMATION CONTACT: For program management and cooperative agreement administrative questions: Aletha Goodine at PH: 202–366–4148; FAX: 202–366–3765; Office of Mobility Innovation, Room 9402, TRI–10, Federal Transit Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590, or *aletha.goodine@fta.dot.gov.*

For technical questions: Yehuda Gross at PH: 202–366–1988; FAX: 202–493–2027; ITS Joint Program Office, Room 3416, HOIT–1, Federal Highway Administration, USDOT, 400 Seventh Street, SW., Washington, D.C. 20590, or *Yehuda.gross@fhwa.dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

There are 62 Federal programs that fund transportation services for the transportation disadvantaged. The February 2004 Presidential Executive Order on Human Service Transportation Coordination (Executive Order 13330) requested the establishment of the Federal Interagency Transportation Coordinating Council on Access and Mobility (CCAM) to enhance accessibility and mobility for persons who are transportation disadvantaged, especially individuals with low-incomes, people with disabilities, and older Americans. This Council is chaired by the Secretary of Transportation with representation from 11 executive departments or agencies of the Federal Government.

Currently, due to inefficiencies, limited resources, and a lack of coordination, delivery of human services transportation is challenging. New capabilities and opportunities are being created in both the transportation and health and human services communities through the use of emerging technologies and innovative services. However, the two communities are often unaware of the research, new approaches, and advances that each is making, and neither may have direct communication with the transportation disadvantaged community at large.

In response to the Presidential Executive Order to improve the effectiveness and efficiency of current human service transportation delivery, the United States Department of Transportation (USDOT) is leading two concurrent initiatives to bring the transportation and human service communities together to apply solutions to overcome service coordination and accessibility barriers for the transportation disadvantaged travelers, transportation service providers and human service program administrators.

The first of the two initiatives is United We Ride (UWR), an initiative of the CCAM, chaired by the Department of Transportation Secretary Norman Y. Mineta. This initiative has effectively engaged all 11 Federal departmental partners related to human service transportation delivery. It addresses policy implications and solutions of coordinated human service transportation systems from both technical and non-technical perspectives. Developed by an ''expert panel'' in 2003 as a key product of the UWR initiative, the Framework for Action is a comprehensive evaluation and planning tool designed to help state and community leaders and agencies involved in human service transportation and transit services, along with their stakeholders, assess and plan for coordinated transportation systems. It focuses on a series of core coordination elements (such as working together, needs assessment, putting customers first, funding adaptations, technology, and moving people efficiently) to help groups in states and communities assess their needs and plan their coordination efforts. The Framework for Action is actually two tools: one for communities and another for states. It is available at *http://www.unitedweride.gov.*

The second initiative is the Mobility Services for All Americans (MSAA) initiative. This initiative is funded through the USDOT Intelligent

Transportation Systems (ITS) Joint Program Office. ITS encompass a broad range of communications-based information and electronics technologies for surface transportation applications. When integrated into the transportation system's infrastructure, and in vehicles themselves, these technologies relieve congestion, improve safety and enhance productivity. The MSAA initiative focuses on applying ITS solutions to advance human service transportation delivery. It aims to provide technology improvements that address both the concerns of users, including the transportation disadvantaged, and the concerns of service providers, including program administration.

In the CCAM report to the President on Human Service Transportation Coordination, the Council recommended developing demonstration projects in metropolitan, rural and/or tribal areas to test the technical and institutional feasibility of an enhanced human service transportation system. The demonstration projects have three major objectives. These are (1) to establish a comprehensive set of transportation services to meet the full range of transportation needs for all, including low-income individuals, older adults, and persons with disabilities in a target area by coordinating the resources of various human service and transit programs; (2) to create a simple point of access for consumers to obtain the transportation services needed from various programs, and (3) to use intelligent transportation systems to enhance transportation service delivery and system accessibility. In these demonstration projects, a single transportation system (not necessarily a single provider) will be established to meet the mobility needs of all Americans in general and transportation-disadvantaged populations in particular. The demonstration will take a two-phase approach: model development and design (Phase 1) and model deployment and evaluation (Phase 2).

I. Funding Opportunity Description

This notice is a request for proposals (RFP) for Phase 1—model development and design of the demonstration program. The USDOT is soliciting proposals to select up to 10 local communities to carry out detailed development and design of coordinated human service transportation systems that utilize Intelligent Transportation Systems (ITS) capabilities. The geographic scope of a ''local community'' is to be determined by each applicant, such as a single municipality (or jurisdictional entity), a metropolitan area (or a portion of), statewide or even interstates, as deemed appropriate and necessary. Participation from various human service transportation funding agencies, service providers, private entities, faith-based and non-profit organizations and consumers is strongly encouraged. The expected result from Phase 1 will be up to 10 ''deployment-ready,'' replicable and scalable system detailed designs for models of travel management coordination centers (TMCC) that deliver enhanced human service transportation across a variety of operational environments (*e.g.*, urban, suburban, rural and remote) and scenarios.

The vision of a TMCC is a system that:

- From a customer perspective, provides a convenient access point (physical and/or virtual) for comprehensive traveler support. The types of services provided may range from general customer support and trip planning (including accessibility, scheduling and fare information), to automated reservation management, and real-time traveler information. The services should be conveniently accessible to all users, regardless of eligible programs, funding sources and travel modes.
- From a service provider perspective, supports coordinated transportation service operations and management, including customer management, real-time fleet monitoring, automated scheduling, dispatching and routing, vehicle matching, automated reporting and invoicing. The overall interagency coordination mechanism should be transparent to the users.
- From a human service program management perspective, enables streamlined program management requirements, including consumer management, automated accounting, financial transaction back-office coordination, reporting and data collection for program evaluation.

The major objectives of the Phase 1—TMCC system development and design are to:

- Develop ''deployment-ready'' designs of ITS-enhanced human service transportation models in up to 10 local communities that meet local requirements, yet are scalable and replicable for broader applications. The term ''deployment-ready'' refers to a completed, detailed TMCC system design that has been verified and validated by the USDOT designated experts and is ready for implementation subject to funding availability.
- Identify gaps in national and regional ITS architectures and related ITS standards to address human service transportation system requirements.
- Identify technical, regulatory and institutional related hurdles at the local level and identify solutions to overcome them.
- Explore effective and creative approaches to engage local stakeholders for continuous and active support and participation in defining requirements and potential solutions.

II. Award Information

The TMCC system development and design cooperative agreements will fund up to 10 local communities at once and totaling no more than $3.25 million. It is anticipated that successful applicants will be notified within 45 days from the closing date of this RFP. This TMCC system development and design project will last a maximum of 15 months, beginning at the project kick-off, to complete all the tasks and deliver a detailed TMCC system design that is ready for implementation in a model deployment.

Near the end of the period of performance of Phase 1, the USDOT intends to issue a second RFP to launch Phase 2 of the demonstration program to select two or more local communities to proceed with Phase 2—Model Deployment and Evaluation. Only those applicants awarded to participate in Phase I will be eligible to apply for Phase 2 of this demonstration.

III. Eligibility Information

1. Eligible Applicants

This solicitation is targeted for communities of any size, and the application can be submitted by a lead agency designated by the local community chief executive, such as Mayor or City/County Manager. If there are multiple jurisdictions working together to submit an application, there should be ONE lead agency identified, with letters of commitment submitted from each local community chief executive from all participating jurisdictions. Eligible lead agencies may include public entities currently establishing, operating, coordinating, or brokering general public and human service transportation, including, but not limited to, public transit agencies, state/local governments DOTs, health and human service agencies, federally recognized Indian tribes, and metropolitan planning organizations (MPOs) in the U.S. All agencies submitting proposals in response to this RFP consent to be publicly identified as respondents.

2. Cost Sharing or Matching

For each recipient, Federal ITS funds should not exceed 80% of total project costs. Each applicant is responsible for identifying the twenty (20) percent matching share from other non-USDOT public or private sector sources. The matching funds may consist of cash, equipment contributions, or personnel services (*e.g.*, in-kind match). Applicants are encouraged to solicit matching funds from multiple sources, including Federal (non-USDOT), state and local governments and private sector partners, as they will be considered by proposal reviewers as evidence of local partnership.

3. Other

All public transit operators serving the local community, including those funded under either the FTA urbanized or non-urbanized formula programs (Sections 5307 and 5311) are expected to participate in the project. In cases where any public transit operator is unable to participate, a statement of explanation must be included in the proposal.

IV. Application and Submission Information

1. Address To Request Application Package

This announcement is intended to provide all information that applicants need in order to prepare and submit proposals. Applicants may contact FTA representatives as listed in Section VII should further clarifications be needed.

2. Content and Form of Application Submission

Each proposal should include a Project Overview, a Technical Plan, a Financial Plan, and a Management and Staffing Plan that describes how the proposed objectives will be met within the specified time frame and budget. These plans should contain the following information:

A. Project Overview

1. Describe local area/jurisdiction where the project will take place. This description should include size, population, general socio-economic characteristics, and characteristics of area (*e.g.*, urban, suburban, rural, remote). The description should also include current public and community transportation systems, existing administration and coordination of human service transportation, and any other local conditions relevant to this RFP.

2. Describe the proposed system, including which organizations will participate and which transportation modes and human service programs (both federally and non-federally funded) will be represented by those participants. Also describe how the proposed project will be integrated with the existing transportation delivery systems and supported by leaders from the local transportation and human service communities.

3. Describe how consumers, which include people with disabilities, older adults, and individuals with lower incomes will be involved in the system development and design process. If a particular user community will be represented by a public or private organization, describe how this particular organization is qualified to represent local user needs and interests.

4. Describe which organizations will lead the project, and how responsibilities for task completion will be shared among proposed project partners. Identify existing operational and institutional integration within and across organizations, including joint operations, shared resources, etc.

5. Include documentation of any existing or planned interagency agreements or public/private cooperative arrangements necessary for conducting the project. If signed agreements cannot be included, a statement that an agreement is being developed, such as letter of commitment, will suffice.

6. Discuss how and the extent to which local stakeholders, including consumers, service providers and human service agencies, will benefit from the proposed TMCC system. For example, explain how the proposed TMCC system makes it easier for consumers to access transportation resources.

7. Include a ''Statement of Intent'' to develop a TMCC system that is consistent with all applicable laws and regulations, including the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and Section 508 requirements.

8. Include a ''Statement of Intent'' to develop a TMCC system that is consistent with the regional ITS architecture. There should be a ''Statement of Intent'' to adhere to Section 508 requirements for deliverables accessibility.

B. Technical Plan

The proposal must provide a comprehensive and concise technical plan that describes how the applicant will develop and design a model TMCC system, including the respective roles of all involved parties, and the extent of agency coordination. The technical plan must include the following components:

Current State of ITS Applications for Human Service Transportation Delivery.

1. Provide a description of the current ITS system and its components in the targeted community/geographic areas and a detailed overview of the status and utilization of these components related to human service transportation coordination and accessibility enhancement.

2. Discuss the relationship of the current ITS system with current policies and practices in human service transportation systems. Include a description of how ITS is used with varying human service program operations and funding streams.

3. Describe the relationship of the current ITS system with other Federal systems change initiatives related to human service (*e.g.*, 211/511 systems, Aging Disability Resource centers, Real Choice System Change Projects, etc.).

Technical Approach.

1. Describe, in detail, how the applicant will produce the deliverables specified in Section VI.4 (Deliverables), including all associated tasks, the respective roles of all involved parties, and the extent of agency coordination.

2. Describe the technical and logistical details by which each proposed task will be carried out, including stakeholder participation, processes involved, and technologies and resources to be used.

3. Describe how the applicant will address institutional and regulatory issues, and in particular how it will handle the regulatory requirements and waivers and cost sharing, if applicable. Describe any plans and approaches for building interagency consensus across participating human service funding programs and service providers.

4. Describe approaches and processes by which the applicant will monitor and measure project performance and progress toward a coordinated human service transportation system.

5. Identify the project schedule (timeframe). The schedule should reflect the sequencing of/relationship among the tasks and the duration of each task. The schedule should also specify the milestone and deliverable dates (timeframes).

a. Identify and discuss the major tasks to be performed. In addition, identify the estimated number of hours and cost for performing each task.

b. Identify the project schedule (timeframe). The schedule should identify the sequencing of/relationship among the tasks and the duration of each task. The schedule should also

specify the milestone and deliverable dates (timeframes).

C. Management and Staffing Plan

1. Identify management and key professional/technical responsibilities for the overall program. Include an organizational chart providing the names, affiliated organizations, and positions of all project management and key professional/technical staff.

2. Identify one point of contact representing each project partners, including human service transportation program and organization, consumer groups, and private sector participants or sponsors.

3. Demonstrate that all key personnel, including project manager(s), are capable, available, and able to commit to a level of involvement that ensures project success.

4. Include biographical data on project management and key professional and technical personnel.

5. Provide the estimated number of hours by task for each job classification.

6. Discuss project management and oversight mechanisms and approaches to be used to monitor progress and gauge project performance.

D. Financial Plan

The proposal should provide an in-depth description and assessment of the total cost of achieving the objectives of the project. Specifically, the financial plan should:

1. provide a description of total project costs,

2. provide a budget and cost estimates by task and phase as defined in the technical plan,

3. identify staff members, labor categories, labor hours and burden rates (base rate and overhead), travel and other direct costs, and other standard budget items such as fees for each major task, and

4. include all evidence of financial commitments to the project from both public and private sectors, such as in signed Memoranda of Understanding (MOU).

3. Submission Dates and Times

All proposals should be submitted electronically to *http://www.Grants.Gov* by June 13, 2006 for consideration. Grants.Gov allows organizations to electronically find and apply for competitive opportunities from all Federal grant-making agencies. Grants.Gov is the single access point for over 1,000 programs offered by the 26 Federal grant-making agencies.

Proposals can also be submitted in hard copy and postmarked by June 13, 2006. Should the applicant elect this option, five hard copies and one unbound reproducible hard copy of the proposal, along with an electronic copy of the proposal contained on a CD–ROM should be submitted to Ms. Aletha Goodine, Office of Mobility Innovation, Room 9402, TRI–10, Federal Transit Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590. All proposals should reference ''Demonstration of Enhanced Human Service Transportation Models: Phase 1—System Development and Design.''

4. Funding Restriction

Eligible expenses for this project are limited to activities related to the development and design of local coordinated human service transportation models, such as personnel, travel, and consulting services. This RFP is not to support operations of transportation services or capital equipment purchases, including the purchase of ITS hardware/software systems.

Successful applicants should plan to participate in a 1.5 day face-to-face project kickoff workshop with the Federal Government representatives, invited subject experts, and peer recipients at the USDOT headquarters in Washington, DC. The workshop agenda will focus on project goals, objectives, potential approaches, strategies, available resources and USDOT expectations. The USDOT may elect to hold a second face-to-face workshop during the project performance period where all recipients can network with their peers and exchange information and lessons learned with one another. The successful applicant's project manager plus one key member assigned to the project should plan to attend both workshops. Associated travel expenses should be budgeted and presented in the financial plan.

Successful applicants should also include a budget to develop and make presentations at up to two conferences to be specified by the FTA Project Manager.

5. Other Submission Requirements

A proposal should not exceed 50 pages in length, including title, index, tables, figures, appendices, abstracts, and other supporting materials except resumes (*i.e.*, resumes may be in addition to the 50 pages). A page is defined as one (1) side of an 8.5 by 11-inch paper, line spacing no smaller than 1.5, with a type font no smaller than 12 point. The cover sheet or front page of the proposal should include the name, address, and phone number of an individual to whom correspondence and questions about the application may be directed. In addition, an SF–424, Application for Federal Assistance, form must be completed and submitted with the proposal. The form may be obtained at *http://www.Grants.Gov*.

V. Application Review Information

1. Criteria

The primary evaluation criterion for the proposal will be the applicant's demonstrated understanding and ability to accomplish the required project deliverables based on reasonable schedule and budget that are consistent with the vision of the project. Specific criteria and weights (in parentheses) against which each submitted proposal will be evaluated include the following:

• Operations environment (NA)—To promote model replicability, the grants will be awarded to a mix of urban, suburban, rural and remote areas where different operational characteristics and user needs may lead to variations in TMCC system development and design. Since this criterion is beyond the control of the applicants, no weight is assigned.

• Clarity and specificity of proposal (15%)—The reviewers will judge each proposal by the applicant's demonstrated ability to achieve the project goals and objectives. All proposals should follow proposal guidelines as laid out in Section IV.2 (Content and Form of Application Submission) and clearly provide information as requested, such as descriptions of how customers will be involved in the process and how is the proposed system supported by leaders from local transportation and human service communities.

• Current state of human service transportation delivery system (15%)—Preference will be given to those applicants with existing policies, ongoing transportation coordination in place to support human service transportation improvements. Six areas of focus under this evaluation criterion include: (1) Leadership and partnership; (2) planning; (3) operations; (4) technology; (5) customer service; and (6) policy, program and funding. In the proposal, applicants are strongly encouraged to demonstrate their commitment and ability to build upon their existing resources and activities to advance the quality of human service transportation. The Implementation Tool for Coordinated Community Transportation, published jointly by the United We Ride and Mobility Services for All Americans initiatives, will be referenced by the reviewers in scoring proposals with respect to this criterion.

• The current level of ITS Infrastructure in place (15%)—The USDOT will give preference to applicants with some levels of existing ITS infrastructure, such as wireless communications, in place to support human service transportation improvements.

• Scope of human service transportation programs participation (10%)—The USDOT encourages all applicants to involve at least two and as many human service transportation programs as practically possible in their respective projects. The USDOT will also recognize effort to engage non-federally funded human service transportation programs. The proposal will be evaluated on established interagency relationship for human service transportation delivery through written legal agreements, such as the establishment of a coordination council, various resource centers, memorandum of understanding, and/or general documentation of cooperative working relationships, such as documented meetings and events. The term ''interagency'' may involve multiple human service program managing/funding agencies, user groups, and a wide spectrum of service modes and providers.

• Strong public-private partnership and commitment (10%)—The USDOT strongly encourages the participation of private entities (*e.g.*, private transportation operators, non-profit human service providers, advocacy groups and business community organizations) in this project. If a public-private partnership is included in the proposal, the business models and functional roles of the private partners should be described in detail. The proposal should also include evidence of commitment to the project from each of the participating organizations and assess the likelihood of continuing participation beyond the end of the project.

• Integration with other technology and/or systems change initiatives (10%)—The USDOT encourages and recognizes applicants to integrate (or coordinate) with and build upon efforts made by other initiatives related to human service transportation enhancement, such as state-level United We Ride activities, HIPAA, 211 (local community services information systems) and 511 (travel information systems), Aging Disability Resource centers, and Real Choice System Change projects.

• Cost (10%)—The cost of the project should reflect the scope of the project.

• Qualifications and experience (10%)—The proposal demonstrates adequate qualifications and experience of individuals and organizations with respect to project management and technical capabilities. The applicants' past performance, if available, may be considered in the evaluation.

• Timelines and Deliverables (5%)—The timeline incorporates sufficient time to develop and implement the institutional and technical aspects of the project.

2. Review and Selection Process

The Federal Transit Administration will establish a proposal review panel to evaluate all eligible applications based on the criteria and requirements defined in this Notice. The review panelists may represent Federal agencies outside of the USDOT to provide diversified perspectives and expertise related to human service transportation. The Federal Transit Administration will notify successful applicants.

VI. Award Administration Information

1. Award Notices

It is anticipated that successful applicants will be notified within 45 days from the closing date of this RFP. Federal Transit Administration's (FTA) Administrator will notify the successful applicants through postal mail.

2. Administrative and National Policy Requirements

Following receipt of the FTA Administrator's notification letter, the successful applicants will be required to submit their proposal through the FTA Transportation Electronic Award and Management (TEAM) system Web site. FTA will manage the cooperative agreement through the TEAM system Web site. Before FTA may award Federal financial assistance through a cooperative agreement, each applicant must submit all certifications and assurances pertaining to itself and its project as required by Federal laws and regulations. These certifications and assurances must be submitted to FTA irrespective of whether the project is financed under the authority of 49 U.S.C. Chapter 53, or Title 23, United States Code, or another Federal statute. Since Federal fiscal year 1995, FTA has been consolidating the various certifications and assurances that may be required of its awardees and the projects into a single document published in the **Federal Register**. Fiscal year 2006 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements and guidelines will be published in the **Federal Register** and posted on the FTA Web site at *http://www.fta.dot.gov*.

3. Reporting

Recipients are required to submit quarterly reports to the FTA Project Manager through the FTA TEAM system Web site. The quarterly reports must discuss milestones related to the deliverables targeted for the end of the project period, and include the following elements:

• Significant accomplishments,

• Project issues/concerns and recommended solutions,

• Updated project schedule,

—List and status of current tasks
—List of completed tasks
—Percent complete by task
—If slips in the schedule occur, the recipient should propose how to mitigate the schedule deviation(s)

• total budget by task, and

—Amount spent to date by task
—Amount remaining by task

• Travel expense report (if applicable).

4. Deliverables

At a minimum, the lead agency should provide the following deliverables during and at the conclusion of the project:

• A detailed project plan

Based on the discussion at the project kickoff workshop, successful applicants should develop a detailed project plan. The project plan must include project background information, major tasks and approaches, implementation timelines, budgets, and deliverables.

• A TMCC concept of operations

The TMCC concept of operations provides a high-level definition of ''what'' the TMCC should or should not do. The concept of operations document should clearly and concisely describe user needs and operational policies and constraints corresponding to local characteristics. The identified user needs will serve as the foundation for system requirements and provide the justification for the functions desired. A comprehensive discussion of operational policies and constraints should establish expected policy environment for TMCC operation and set clear boundaries on the scope of the project. The Concept of Operations should explicitly document the specific shortcomings of the current human service transportation delivery in the local area that will be addressed by the proposed TMCC, from both an operator/program administration and a user point of view.

• A TMCC system requirements

A system requirement is the detailed ''what.'' The recipients should define both functional and performance requirements of the TMCC model. All

system requirements must be unambiguous, concise, and achievable, and be consistent with and supportive of the concept of operations as laid out in the previous task. All requirements should map to an explicit user or operator need in the Concept of Operations, as described below. In developing the system requirements, it is anticipated that the recipients may find it necessary to clarify and update the needs described in the Concept of Operations.

• A TMCC system design

System design describes the ''how'' to implement the ''what.'' Recipients will explore different alternatives, including outlining strengths and weaknesses, examining technical and operational feasibility, institutional compatibility, and other constraints and costs. As part of this task, the recipients will produce a report documenting the approach, process, and outcome of the TMCC system designs. All TMCC system designs should take into account and be in compliance with all applicable laws, regulations and policies, including the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

• A TMCC system phasing implementation plan

• An existing ITS architecture and standards gaps report

Upon completion and approval of the TMCC system design, recipients should analyze and identify any gaps in the existing regional ITS architecture and relevant available ITS-related standards with respect to implementation of the proposed TMCC. The USDOT anticipates that some gaps may exist given the specific operational characteristics and stakeholders involved in human service transportation. It should be noted that no recipients will be held responsible for updating the existing regional ITS architecture or for creating new standards within the scope of this project.

Other deliverables:

• Meetings and working sessions with the USDOT interdisciplinary technical assistance team as described in Section VIII.1—Technical Assistance Resources,

• A proposal at the conclusion of the project to the USDOT for funding to implement and evaluate the TMCC system as designed (i.e., Phase 2); the USDOT will define the proposal format and requirements and release a separate request for proposal near the end of this project, and

• Up to two face-to-face workshops at USDOT headquarters in Washington, DC or selected local communities to discuss progress, exchange information and network with peer groups.

Recipients are required to submit written deliverables to the FTA Project Manager for review and approval. All written deliverables must be provided in a Section 508 compliant format, unless otherwise directed by the FTA Project Manager. For all deliverables to be published on the websites, recipients should provide the final approved products as follows to the FTA Project Manager:

• The final products should be submitted in Adobe PDF, PowerPoint, MSWord, Excel, or other file format pre-approved by the FTA Project Manager that meets current FTA web posting standards.

• The preferred source code file that the recipients should provide to the FTA Project Manager is Microsoft Word with images, if any, embedded into the document in JPEG format.

• All documents, including final reports must be submitted in formats that meet 508 Requirements so that they can easily be posted on Federal websites. Where there are graphics (e.g., pictures, illustrations, logos, charts, tables as images, maps), Alt-tags text should thoroughly describe the image and be provided for every single image. Repeating a caption does not meet the intent of the law and is therefore on the lowest end of acceptability. The description in the Alt-tags text must fully describe the graphic (as if one were acting as a reader for a blind person). If the full description is contained in the text, the Alt-tags should reference the reader to where that description is (e.g.: graphic representation of noise waves as described in the previous paragraph). If the full description is not already in the text and is long a link should be created to a separate page that contains the description and the Alt-tags should direct the reader to this link. Graphics file size (e.g., pictures, illustrations, logos, charts, maps) must be submitted as individual files in addition to those that are embedded in the source file. The preferred format for images is JPEG. Graphics should (if at all possible) be kept to a width of 600 pixels or less—to prevent horizontal scrolling. Tables are never acceptable as graphics files. All tables should be laid out using the Word table feature. Do not use tabs.

VII. Agency Contacts

For program management and cooperative agreement administrative questions: Aletha Goodine at PH: 202–366–4148; FAX: 202–366–3765; Office of Mobility Innovation, Room 9402, TRI–10, Federal Transit Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590, or *aletha.goodine@fta.dot.gov*.

For technical questions: Yehuda Gross at PH: 202–366–1988; FAX: 202–493–2027; ITS Joint Program Office, Room 3416, HOIT–1, Federal Highway Administration, USDOT, 400 Seventh Street, SW., Washington, DC 20590, or *Yehuda.gross@fhwa.dot.gov*.

VIII. Other Information

1. Technical Assistance Resources

To assist recipients in completing the TMCC development and design tasks within the project performance period, the USDOT will establish an interdisciplinary technical assistance team as a resource. This technical assistance team will provide technical assistance to and exchange information across the recipients as needed. The technical assistance team will be funded separately by the USDOT and involve people with diversified areas of expertise related to human service transportation, including ITS technology, transportation disadvantaged population, transportation planning, transit operations, human service program policy and regulatory compliance, system engineering, communications technology, software design and related topics.

The technical assistance team may conduct on-site visits to address specific local community needs, including identifying technical and institutional hurdles and possible solutions, as well as other impacts that may affect the progression and quality of the project. In addition to site visits by the technical assistance task, recipients may contact the technical assistance team experts through emails, telephone calls or on-site visits for prompt technical consultation as needed.

Recipients are not financially responsible for the technical assistance team, which will be procured by the USDOT through a separate RFP. However, each applicant is required to demonstrate in the proposal its willingness to utilize such technical assistance and cooperate with the interdisciplinary technical assistance team as appropriate.

In addition, the Government Accountability Office (GAO) has published several reports in recent years on subjects related to human service transportation. These reports provide a comprehensive overhaul of issues and challenges facing cost-effective delivery and access of human service transportation. These reports can be viewed and downloaded from the GAO Web site at *http://www.gao.gov*.

Finally, three recently released publications may assist the applicants

in preparing proposals and subsequently implementing the projects. The first publication, the Report to the President on Human Service Transportation Coordination (*http://www.unitedweride.gov/1_866_ENG_HTML.htm*), published in 2005, presented five broad recommendations that the CCAM believes will strengthen existing transportation services to be more cost-effective, and accountable and help providers become more responsive to consumers. These five recommendations include (1) coordinated transportation planning; (2) vehicle sharing; (3) cost sharing; (4) reporting and evaluations; and (5) consolidated access transportation demonstration program.

Second, as part of the joint effort of the United We Ride and Mobility Services for All Americans initiatives, the USDOT is in the process of developing additional tools to take the Framework for Action to the next level by providing communities and states with guidance to take concrete action and identify their progress along the way. These tools build on the same core elements as the Framework and assist in defining where a community or state is on the road to building a fully coordinated comprehensive transportation system that is inclusive of people with disabilities, older adults and individuals with lower incomes. The recipients may find these tools useful in designing their respective TMCC systems. Inquiries about the availability of these tools may be directed to the United We Ride program office at *unitedweride@fta.dot.gov*.

The third publication is a generic TMCC concept of operations that provides a high-level, representative description of an enhanced human service transportation delivery system in terms of operational characteristics, service scenarios and relationships between system components. This publication is designed to provide an example that can be used by agency and other stakeholders as the basis for developing their own specific TMCC system concept of operations. This publication can be obtained via website at *http://www.its.dot.gov/msaa* or by contacting the FTA Project Manager.

2. Additional Resources

- USDOT ITS Mobility Services for All Americans initiative *http://www.its.dot.gov/msaa/index.htm*
- Federal Interagency United We Ride initiative *http://www.unitedweride.gov*
- Information on Section 508 and web site accessibility: *http://www.section508.gov*
- National ITS Architecture *http://www.its.dot.gov/arch/index.htm*
- ITS Standards *http://www.standards.its.dot.gov/standards.htm*

3. List of Acronyms and Abbreviations

CCAM Coordinating Council on Access and Mobility
FHWA Federal Highway Administration
FTA Federal Transit Administration
GAO Government Accountability Office
GIS Geographic Information Systems
HIPAA Health Insurance Portability and Accountability Act
ITS Intelligent Transportation Systems
JPEG Joint Photographic Experts Group
MOU Memorandum of Understanding
MPO Metropolitan Planning Organization
MSAA Mobility Services for All Americans
PDF Portable Document Format
RFP Request for Proposals
TMCC Travel Management Coordination Center
USDOT United States Department of Transportation
UWR United We Ride

Issued on: April 7, 2006.

Sandra K. Bushue,

Deputy Administrator.

[FR Doc. E6–5588 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration Federal Register Notice

National Fuel Cell Bus Technology Development Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of funding availability; competitive solicitation for funding through the National Fuel Cell Bus Technology Development Program.

SUMMARY: This competitive solicitation is for fiscal year 2006–2009 funding, subject to congressional appropriations action, for the new National Fuel Cell Bus Technology Development Program (NFCBP), administered by the Federal Transit Administration. The purpose of the program is to facilitate the development of commercially viable fuel cell bus technology and related infrastructure. FTA intends to enter into grants, contracts, and cooperative agreements with no more than 3 geographically diverse nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to conduct fuel cell bus technology and infrastructure projects under the program. Regional consortia in partnership with transit agencies are encouraged to apply. The Federal share of the cost of a project carried out under this Program shall not exceed 50 percent of such cost.

DATES: White papers must be received by FTA by the close of business May 10, 2006. Full proposals for the selected papers must be received by FTA by the close of business July 14, 2006. Close of business for FTA is 5:30 p.m. eastern time zone.

ADDRESSES: White papers and full proposals for the selected white papers must be submitted to Shang Hsiung, Office of Research, Demonstrations and Innovation, Mail Code: TRI–10, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590. Phone: 202–366–0241, or e-mail: *shang.hsiung@dot.gov.* The Solicitation Guidelines including the submission requirements are available at *http://www.fta.dot.gov/*. Submissions must be received by the deadline.

FOR FURTHER INFORMATION CONTACT: Contact Shang Hsiung, Office of Research, Demonstration and Innovation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202–366–0241, e-mail: *shang.hsiung@dot.gov.*

SUPPLEMENTARY INFORMATION:

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2. Solicitation Guidelines
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I. General Program Information

A. Authority

Section 3045 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users of 2005 (SAFETEA–LU) establishes a new program called the National Fuel Cell Bus Technology Development Program (49 U.S.C. 5308, note). SAFETEA–LU authorizes $49 million in funding for the program for fiscal years 2006 through 2009. For fiscal year 2006, Congress appropriated $11,138,000 for the NFCBP.

B. Background

Transit continues to be in the forefront of the research, development, demonstration, and deployment of clean and energy efficient vehicle technologies. Factors that have made transit buses the vanguard for alternative fuels and hybrid electric systems are just as applicable in helping

lead the introduction of fuel cell vehicle technologies into transportation applications. Bus weight and volume packaging constraints are less rigorous than cars. Unlike personal automobiles where we expect to turn the key and to immediately drive away, buses undergo a check-out procedure prior to the driver starting his or her run. Transit buses are centrally fueled and stored at discrete locations, whereas we all expect to be able to fill up our cars anywhere and everywhere. The fleet operation aspect of transit buses creates a more manageable and finite re-fueling infrastructure requirement, and can assist in the development of the overall transportation re-fueling infrastructure required. Transit buses are driven and maintained by professionals, easing the introduction of a new power plant. Perhaps most importantly, transit buses operate in the most densely populated corridors of our urban areas. Fuel cell buses could provide greater public exposure to the safe operation of zero emission vehicles leading to broader acceptance of this technology. The operational and maintenance experience gained from the early introduction of fuel cell vehicle technologies into buses could enhance its successful application in trucks and cars.

The U.S. Department of Transportation's Federal Transit Administration (FTA) played an instrumental role in spurring the adoption of natural gas buses into routine revenue service operations. It is playing a similar role in helping to accelerate the adoption of electric drive technologies—battery electric, hybrid electric, and hydrogen fuel cell buses. The President's FreedomCAR and Hydrogen Fuel Initiative which are focused on light-duty vehicles have set forth bold visions for tackling our Nation's goals of energy independence and cleaner air without sacrificing personal mobility. FTA's expertise and experience in alternative fuels and hybrid electric systems for transit buses and its proven track record of successfully moving clean, fuel efficient buses from the drawing board to the street, make FTA the ideal agency to lead and implement a program to complement and support the Presidential Initiatives.

C. Eligible Applicants

Section 3045(b) directs the Secretary of Transportation to conduct a national solicitation for applications under the NFCBP. Recipients shall be selected on a competitive basis. The Secretary may enter into a grant, contract, or cooperative agreement with no more than three regionally diverse non-profit organizations and recipients (*i.e.*, transit agencies eligible to receive FTA financial assistance). For-profit private entities or non-recipients of FTA funds are encouraged to partner with eligible non-profit organizations or recipients. Since the goal of the NCFBP is to facilitate the development of commercially viable fuel cell bus technology and related infrastructure, regional, multi-state advanced transportation technology consortia in partnership with transit agencies are specifically encouraged to apply. Section 3045(d) also directs that priority consideration be given to applicants that have successfully managed advanced transportation technology projects, including projects related to hydrogen and fuel cell public transportation operations for a period of not less than five years. The Federal share of the cost of a project carried out under this Program shall not exceed 50 percent of such cost.

D. Eligibility Criteria

Section 3045(c) establishes the statutory criteria for evaluating eligible applications. The criteria are the following:

1. ability to contribute significantly to furthering fuel cell technology as it relates to transit bus operations, including hydrogen production, energy storage, fuel cell technologies, vehicle systems integration, and power electronics technologies;

2. financing plan and cost share potential;

3. fuel cell technology to ensure that the program advances different fuel cell technologies, including hydrogen-fueled and methanol-powered liquid-fueled fuel cell technologies, that may be viable for public transportation systems; and

4. other criteria that the Secretary determines are necessary to carry out the program.

FTA believes that the first three criteria provide a sufficient basis on which to evaluate applications; thus, FTA has determined that additional criteria under paragraph 4 are unnecessary. If warranted, however, criteria and application procedures may be reassessed for subsequent years, and FTA will provide adequate notice and an opportunity to comment on any proposed changes.

E. Application Evaluation Criteria

Consistent with the criteria identified in Section 3045(c), applications will be evaluated based on the following elements:

- Ability to contribute significantly to furthering fuel cell technology as it relates to transit bus operations, including hydrogen production, energy storage, fuel cell technologies, vehicle systems integration, and power electronics technologies;
- Financing plan and cost share potential; and
- Fuel cell technology to ensure that the program advances different fuel cell technologies, including hydrogen-fueled and methanol-powered liquid-fueled fuel cell technologies, that may be viable for public transportation systems.

Section 3045(d) also states that priority consideration will be given to applicants that have successfully managed advanced transportation technology projects, including projects related to hydrogen and fuel cell public transportation operations for a period of not less than five years.

II. Solicitation Guidelines

The competitive solicitation process including the submission requirements for the National Fuel Cell Bus Technology Development Program are available at *http://www.fta.dot.gov.* Click on the navigational tab for Grant Programs on the right hand side, then click on the Grant Programs link, and then click on the link for the National Fuel Cell Bus Technology Development Program. To receive the Solicitation Guidelines by e-mail, please send an e-mail to *shang.hsiung@dot.gov.* A synopsis of this announcement will also be posted in the FIND module of the government-wide electronic grants Web site at *http://www.grants.gov.*

Projects requiring multi-year funding may be submitted. Note that funding in future fiscal years is not guaranteed and will be contingent upon the annual appropriation process.

In order to minimize the effort required for proposal preparation and review, the selection will take place in two phases. First, non-profit organizations and recipients will prepare white papers for FTA to review, comment and select. The non-profit organizations and recipients will then prepare full proposals based on the best efforts selected by FTA.

III. Solicitation Schedule

The following is the timeline for the competitive solicitation under the NFCBP:

- May 10, 2006—White Papers due.
- June 9, 2006—FTA selects White Papers and notifies all applicants.
- July 14—Full Proposals based on White Papers selected due.
- August 14, 2006—FTA announces awards.

Details are contained in the Solicitation Guidelines available at *http://*

www.fta.dot.gov. All deadline times are 5:30 p.m. eastern time zone.

IV. Additional Program Information

A. Funds Administration and Oversight

Section 3045(f) of SAFETEA–LU directs the Secretary to apply the requirements of 49 U.S.C. 5309 (Capital Investment Grants) to the projects awarded under this program and ''such other terms and conditions as are determined by the Secretary.'' FTA has reviewed the terms of its Capital Investment Grant program and does not believe additional terms and conditions are necessary. The NFCBP is inherently a research, development, and demonstration program; and such project activities to facilitate the development of commercially viable fuel cell bus technology and related infrastructure is allowed.

Recipients of federal funds under 49 USC 5309 must comply with the general federal guidelines governing the management of federal funds, which are outlined in FTA's Master Agreement, available on FTA's Web site (*http://www.fta.dot.gov*). To this point, FTA will conduct reviews to ensure that projects under the NFCBP meet the basic statutory, administrative, and regulatory requirements as stipulated by the conditions for accepting Federal funds.

B. Performance Measures

Participants may be asked to collect and report data to FTA for use in measuring program performance.

Issued in Washington, DC, this 7th day of April, 2006.

Sandra K. Bushue,

Deputy Administrator.

[FR Doc. 06–3606 Filed 4–13–06; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 15, 2006.

ADDRESSES: *Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington DC or at *http://dms.dot.gov.*

This notice of receipt of applications for special permits is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Dated: Issued in Washington, DC, on April 11, 2006.

R. Ryan Posten,

Chief, Special Permits Program, Office of Hazardous Materials Special Permits & Approvals.

NEW SPECIAL PERMITS

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permits thereof
14329–N		Qal-Tek Associates, Idaho Falls, ID.	49 CFR 173.431	To authorize the transportation in commerce of certain radioactive materials exceeding the quantity that may be transported in a Type A packaging. (modes 1, 4)
14330–N		Chemical & Metal Industries, Inc., Hudson, CO.	49 CFR 179.300–15(d)	To authorize the transportation in commerce of certain DOT Specification 106 and 110 multi-unit tank car tanks that have a type CG–3 fusible plug device in place of a type CG–2 fusible plug. (mode 1)
14331–N		Ecoflo, Greensboro, NC	49 CFR Parts 171–180 except 173.21.	To authorize the transportation in commerce of hazardous materials between two facilities of North Carolina State University in non-DOT specification packagings with no hazard communication. (mode 1)
14332–N		Eagle-Picher Technologies, LLC, Joplin, MO.	49 CFR 173.226(c)	To authorize the manufacture, mark, sale and use of a combination packaging for Division 6.1 hazardous materials in Hazard Zone A with a lower hydrostatic test pressure. (modes 1, 2)
14333–N		The Columbiana Boiler Co., Columbiana, OH.	49 CFR 179.300–13(b)	To authorize the transportation in commerce of certain DOT Specification 110A500W containers that have straight threads in the clean-out/inspection port openings instead of National Gas Taper Threads. (mode 2)
14335–N		Rinchem Company, Albuquerque, NM.	49 CFR 177.848(d)	To authorize the transportation of Division 2.3 Zone A materials in the same transport vehicle as packages containing the residue only of Division 2.1, 2.2, 2.3, 4.3, 5.1 and Class 3 and 8 hazardous materials. (mode 1)

NEW SPECIAL PERMITS—Continued

Application number	Docket number	Applicant	Regulation(s) affected	Nature of special permits thereof
14336–N		Ecology Control Industries, Torrance, CA.	49 CFR 173.244	To authorize the one-way transportation in commerce of sodium metal in non-DOT specification bulk packaging by highway. (mode 1)
14337–N		NKCF Co., Ltd. Jisa-Dong, Kangseo-Gu Busan.	49 CFR 173.301, 173.302a, 173.304a.	To authorize the manufacture, mark, sale and use of non-DOT specification cylinders conforming in part with the DOT Specification 3AA for the transportation in commerce of certain Division 2.1, 2.2 and 2.3 hazardous materials. (modes 1, 2, 3, 4, 5)
14338–N		Defense Technology Corporation, Casper, WY.	49 CFR 173.302	To authorize the manufacture, mark, sale and use of a refillable non-DOT specification cylinder similar to a DOT specification 39 cylinder. (modes 1, 3, 4)
14339–N		Crossfire Composites Company, Kalamazoo, MI.	49 CFR 173.302a, 173.304a.	To authorize the manufacture, mark, sale and use of non-DOT specification fully wrapped carbon composite aluminum lined cylinders for the transportation in commerce of certain Division 2.1 and 2.2 hazardous materials. (modes 1, 2, 3, 4, 5)
14341–N		Baker Petrolite, Sugar Land, TX.	49 CFR 173.226(a)	To authorize the manufacture, mark, sale and use of DOT 4BW240 cylinders for the transportation of acrolein by motor vehicle and cargo vessel. (modes 1, 3)
14342–N		Tri-Wall, A Weyerhaeuser Business, Butler, IN.	49 CFR 173.12(b)	Authorizes the manufacture, mark, sale and use of a corrugated fiberboard box for use as the outer packaging for lab pack applications in accordance with 49 CFR 173.12(b).
14343–N		Valero St. Charles, Norco, LA.	49 CFR Subpart C of 49 CFR.	To authorize the transportation in commerce of certain hazardous materials without shipping paper documentation when transported across public roads within the Valero facility. (mode 1)

[FR Doc. 06–3588 Filed 4–13–06; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of Applications for Modification of Special Permit.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Request of modifications of special permits (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffic ''M'' denote a modification request. These applications have been separated from the new applications for special permits to facilitate processing.

DATES: Comments must be received on or before May 1, 2006.

ADDRESSES: *Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of special permits is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 11, 2006.

R. Ryan Posten,

Chief, Special Permits Program, Office of Hazardous Materials, Special Permits & Approvals.

MODIFICATION SPECIAL PERMITS

Application number	Docket number	Applicant	Regulation(s) affected	Modification of special permit	Nature of special permit thereof
5749–M		E.I. DuPont de Nemours Wilmington, DE.	49 CFR 173.315(a)	5749	To modify the special permit to authorize new portable tank valve designs suitable for hazardous materials service.
8915–M		MEMC, Pasadena, TX.	49 CFR 173.302a(a)(3); 173.301(d); 173.302a(a)(5).	8915	To modify the special permit to authorize utilization of acoustic emission and ultrasonic examination as an alternative method for cylinder requalification.
9030–M		LND, Inc. Oceanside, NY.	49 CFR 173.302; 175.3.	9030	To modify the special permit to authorize the transportation in commerce of an additional Division 2.2 gas (Xenon).
10529–M		LND, Inc. Oceanside, NY.	49 CFR 173.302; 175.3.	10529	To modify the special permit to authorize additional Division 2.1 and 2.2 gases.
1102–M		Newport News Shipbuilding and Dry Dock Company (NNS) Newport News, VA.	49 CFR Part 172; Part 173.	11202	To modify the special permit to authorize the transportation of Class 7, 8, and 9 materials across a public road by motor vehicle.
12277–M	RSPA–1999–5797.	Indian Sugar and General Engineering Corporation Haryana.	49 CFR 173.3; 173.304.	12277	To modify the special permit to authorize updated designs of the non-DOT specification pressure vessel for the transportation of Division 2.1, 2.2 and additional 2.3 materials.
14175–M	PHMSA–2005–20903.	Airgas Cheyenne, WY.	49 CFR 180.209	14175	To modify the special permit to authorize bundling of cylinders with up to 24 cylinders per bundle.

[FR Doc. 06–3589 Filed 4–13–06; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub-No. 438X)]

BNSF Railway Company—Abandonment Exemption—in Morrison County, MN

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments* to abandon a 0.58-mile line of railroad that extends between BNSF's milepost 113.44 and milepost 114.02, near Camp Ripley in Morrison County, MN. The line traverses United States Postal Service Zip Code 56345.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic handled on the line to be 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 reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee 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 May 16, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 24, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 4, 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 BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 21, 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.

[1] 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.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,200, but is scheduled to increase to $1,300, effective April 19, 2006. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006). *See* 49 CFR 1002.2(f)(25).

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF 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 BNSF's filing of a notice of consummation by April 14, 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: April 7, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–5491 Filed 4–13–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub-No. 440X)]

BNSF Railway Company—Abandonment Exemption—in Thurston County, WA

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 0.23-mile line of railroad between BNSF Engineering Station 521 + 42 and BNSF Engineering Station 533 + 65, in Olympia, in Thurston County, WA. The line traverses United States Postal Service Zip Code 98502.

BNSF 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; (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 of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee 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 May 16, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 24, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 4, 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 BNSF's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606–6677.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 21, 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.

[1] 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.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,200, *see* 49 CFR 1002.2(f)(25), but is scheduled to increase to $1,300, effective April 19, 2006. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF 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 BNSF's filing of a notice of consummation by April 14, 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: April 10, 2006. By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–5546 Filed 4–13–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–439 (Sub-No. 6X); STB Docket No. AB–585 (Sub-No. 1X)]

Dallas Area Rapid Transit—Abandonment Exemption—in Collin County, TX; Dallas, Garland and Northeastern Railroad—Discontinuance of Service Exemption—in Collin County, TX

Dallas Area Rapid Transit (DART), a political subdivision of the State of Texas, and Dallas, Garland and Northeastern Railroad (DGNO), a Class III rail carrier, have jointly filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for DART to abandon, and for DGNO to discontinue service, over approximately 8.85 miles of railroad, between milepost 281.65, near Plano, and milepost 290.5, near Allen, in Collin County, TX.[1] The line traverses United States Postal Service Zip Codes 75023, 75024, 75025, 75026, 75074, 75075, 75086, 75093, 75094, 75002, and 75013.

DART and DGNO have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (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 (Board) or with

[1] The line is currently owned by DART. DGNO has trackage rights over the portion of the line from milepost 281.65 to milepost 285.1, and a lease for freight operations over the segment between mileposts 285.1 and 290.5.

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 reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee 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, these exemptions will be effective on May 16, 2006,[2] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 24, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 4, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: Edward J. Fishman and Janie Sheng, Kirkpatrick & Lockhart Nicholson Graham LLP, 1601 K Street, NW., Washington, DC 20036; and Gary Laakso, Dallas, Garland and Northeastern Railroad, c/o RailAmerica, Inc., 5300 Broken Sound Boulevard, NW., 2nd Floor, Boca Raton, FL 33487.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

DART and DGNO have filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 21, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) 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), DART 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 DART's filing of a notice of consummation by April 14, 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: April 10, 2006.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–5545 Filed 4–13–06; 8:45 am]

BILLING CODE 4915–01–P

[2] DART states that it intends to rail bank the line under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). In order to rail bank the line in its own name, DART must file with the Board a request for the imposition of a trail use/rail banking condition in compliance with Trails Act regulations.

[3] 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 exemptions' 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 exemptions' effective date.

[4] Each OFA must be accompanied by the filing fee, which currently is set at $1,200, and will increase to $1,300, effective April 19, 2006. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).

Corrections

Federal Register

Vol. 71, No. 72

Friday, April 14, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent to Prepare a Joint Environmental Impact Statement/Environmental Impact Report for the San Francisquito Creek Study, San Mateo and Santa Clara Counties, CA

Correction

In notice document 06–3458 beginning on page 18292 in the issue of Tuesday, April 11, 2006, make the following correction:

On page 18292, in the third column, in the first line, '' *Sara.M.Gaines@spd02.usace.army.mil''* should read ''*Sarah.M.Gaines@spd02.usace.army.mil*''.

[FR Doc. C6–3458 Filed 3–13–06; 8:45 am]

BILLING CODE 1505–01–D

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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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- Withdrawn; published 4-14-06

Pesticide, food, and feed additive petitions:
- Sodium metasilicate; published 4-14-06

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Cyfluthrin; technical correction; published 4-14-06

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Food and Drug Administration

Animal drugs, feeds, and related products:
- Fenbendazole granules; published 4-14-06

TRANSPORTATION DEPARTMENT

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Pipeline safety:
- Gas gathering line definition; alternative definition for onshore lines; published 3-15-06

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- Bank Secrecy Act regulations—
  - Commercial Bank of Syria and subsidiary; special measure imposition as primary money laundering concern financial institution; published 3-15-06

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- New Jersey; published 4-12-06

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- Commodities procurement for foreign donation; Open for comments until further notice; published 12-16-05 [FR E5-07460]

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- West Coast States and Western Pacific fisheries—
  - Hawaii-based shallow-set longline fishery; comments due by 4-19-06; published 3-22-06 [FR 06-02801]

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- Government property reports; comments due by 4-20-06; published 3-21-06 [FR E6-03993]

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  - Particulate matter; comments due by 4-17-06; published 1-17-06 [FR 06-00179]
  - Particulate matter; comments due by 4-17-06; published 1-17-06 [FR 06-00177]

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- Missouri; comments due by 4-21-06; published 3-22-06 [FR E6-04146]
- Nevada; comments due by 4-21-06; published 3-22-06 [FR 06-02696]
- Oregon; comments due by 4-21-06; published 3-22-06 [FR 06-02698]

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- Lead; renovation, repair, and painting program; hazard exposure reduction
  - Lead paint test kit development; comments due by 4-17-06; published 3-16-06 [FR E6-03824]

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- Federal Agricultural Mortgage Corporation, disclosure and reporting requirements; risk-based capital requirements; revision; comments due by 4-17-06; published 2-13-06 [FR E6-01959]

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- Kansas and Oklahoma; comments due by 4-17-06; published 3-15-06 [FR E6-03731]

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- AFL-CIO, et al.; comments due by 4-17-06; published 3-16-06 [FR E6-03810]

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Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
- Cleveland, OH; comments due by 4-21-06; published 3-22-06 [FR E6-04098]
- Morehead City Harbor, NC; comments due by 4-17-06; published 3-22-06 [FR E6-04097]

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- Pepsi Americas' Sail 2006; Beaufort Harbor, NC; comments due by 4-21-06; published 3-22-06 [FR E6-04089]

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- Incidental taking during specified activities; comments due by 4-21-06; published 3-22-06 [FR 06-02784]

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- National Historical Publications and Records Commission Program; comments due by 4-18-06; published 2-17-06 [FR E6-02303]

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- Approved spent fuel storage casks; list; comments due by 4-20-06; published 3-21-06 [FR 06-02715]

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- Partnerships: treatment of controlled foreign corporation's distributive share of partnership income; guidance under subpart F; comments due by 4-17-06; published 1-17-06 [FR E6-00356]

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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*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 1259/P.L. 109–213

To award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces. (Apr. 11, 2006; 120 Stat. 322)

S. 2116/P.L. 109–214

To transfer jurisdiction of certain real property to the Supreme Court. (Apr. 11, 2006; 120 Stat. 326)

S. 2120/P.L. 109–215

Milk Regulatory Equity Act of 2005 (Apr. 11, 2006; 120 Stat. 328)

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