4–17–06 Monday
Vol. 71 No. 73 Apr. 17, 2006

Pages 19621–19804

Federal Register

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Washington, DC 20002

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Printed on recycled paper.

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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 AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

RIN 0560–AH47

Milk Income Loss Contract Program

AGENCIES: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the regulations for the Milk Income Loss Contract (MILC) Program as authorized by the Agriculture Reconciliation Act of 2005 to extend the program from October 1, 2005, to September 30, 2007. This rule also decreases the percentage rate for the payment calculation and removes the transition rule required at the beginning of the program.

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

FOR FURTHER INFORMATION CONTACT: Danielle Cooke, Special Programs Manager, Price Support Division, FSA/USDA, STOP 0512, 1400 Independence Ave., SW., Washington, DC 20250–0512; telephone (202) 720–1919; facsimile (202) 690–1536; e-mail: *Danielle.Cooke@wdc.usda.gov*. Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

This final rule implements amendments made by section 1101 of the Deficit Reduction Act of 2005 (2005 Act) to section 1502 of the Farm Security and Rural Investment Act of 2002 (2002 Act), which is the authority for the Milk Income Loss Contract (MILC) Program administered by the Commodity Credit Corporation (CCC). The MILC program was implemented by a final rule on October 18, 2002 (67 FR 64454). The program was in effect from December 1, 2001, through September 30, 2005 and was extended by the 2005 Act with minor amendments. Accordingly, this rule amends 7 CFR part 1430 to: continue the MILC program until September 30, 2007; decrease the payment rate percentage during the extension period; and remove transition payment provisions.

The MILC Program supports the dairy industry by providing direct counter-cyclical payments to milk producers when the Boston Milk Marketing Order Class I price for fluid milk falls below the benchmark of $16.94 per hundredweight (cwt). An eligible operation is determined in each state in the same manner as under Dairy Market Loss Assistance (DMLA) Program contracts. Any new contracts must be unaffiliated with prior DMLA operations. Each fiscal year, eligible dairy operations can receive a monthly payment based on monthly commercial milk marketings, up to a maximum of 2.4 million pounds per dairy operation for the fiscal year. A dairy operation's eligible monthly payment was based on the quantity of milk sold in that month, up to a maximum of 2.4 million pounds, multiplied by 45 percent of the difference between $16.94/cwt and the Federal milk marketing order Class I milk price per cwt in Boston, Massachusetts for that month. To facilitate the transition to this new program from previous DMLA programs administered by FSA, a transition period provision was implemented using a similar payment calculation for the period from December 1, 2001, through the month preceding the month the producer enters into a contract with CCC.

To be eligible for the MILC program producers in a dairy operation must: (1) Produce in the United States and market milk commercially during the period December 1, 2001, through September 30, 2005; (2) enter into a contract with CCC to provide monthly marketing data to receive payments; and (3) be engaged in the business of producing and marketing agricultural products at the time of signing the MILC program contract. MILC contracts under these program provisions expired on September 30, 2005.

The extension of the MILC program commences October 1, 2005 and ends September 30, 2007. Generally other program provisions remain the same under the MILC Program extension, except that a dairy operation's eligible monthly payment will be the quantity of milk sold in that month, up to a maximum of 2.4 million pounds, multiplied by 34 percent of the difference between $16.94 per cwt and the Federal milk marketing order Class I milk price per cwt in Boston for that month. Also, section 1101 of the 2005 Act provides: (1) As of September 1, 2007, the percent difference in price per cwt used to calculate payments is zero (0%); (2) the program will expire on September 30, 2007, and; (3) transition period provisions which were necessary for the transition from previous Dairy Market Loss Assistance programs to the new MILC Program are deleted.

To be eligible producers must: (1) Enter into a contract with CCC to provide monthly marketing data to receive payments during the extended period; (2) agree to the program provisions for the extended period; (3) be actively engaged in the business of producing and marketing agricultural products anytime during the period of October 1, 2005, through September 30, 2007; and (4) select the MILC production start month that the dairy operation would like to begin receiving payment from CCC based on the selected month's commercially marketed production. Dairy operations may apply in person at FSA county offices during regular business hours, or via facsimile or the Internet at *http://www.fsa.usda.gov/dafp/psd/*. Since the legislation authorizing the extension of this program was signed after the beginning date of the extended period and although a payment rate was not in effect during the months of October and November 2005, payment rates have been established for the months of December 2005 through May 2006. Therefore, for the CCC fiscal year (FY) 2006 only, during a sign-up period from April 13, 2006 to May 17, 2006, producers in dairy operations will be allowed to select retroactively, with some limitations, the MILC production start month from these months. Producers choosing not to select from the retroactive months of October 2005 through May 2006, will be allowed, with some limitations, to choose a month from the months remaining in the fiscal year for which CCC will begin

issuing payments based on the selected month's commercial milk marketings. Producers entering into a MILC after the designated sign-up period ends but before the program expires on September 30, 2007, and producers during FY 2007 are also allowed to choose the MILC production start month for the dairy operation. Those selections, however, under this rule must be made in advance of the announcement of the Boston Class I milk price and establishment of the MILC payment rate for those months. Producers submitting contracts after the designated sign-up period will not have the option to select from retroactive months.

MILC payments will be based on the commercially-marketed milk production from the MILC production start month selected by the dairy operation, and continue with each subsequent month's commercial milk production consecutively thereafter until the earlier of the maximum payment quantity of 2.4 million pounds is reached or the end of the applicable FY. Other policy determinations necessary to implement the statute are reflected in the text of the rule.

Notice and Comment

Section 1601(c) of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) requires that the regulations necessary to implement Title I of the 2002 Act are to be promulgated without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture effective July 24, 1971, (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. These regulations are thus issued as final.

Executive Order 12866

This final rule is economically significant according to Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB). A cost-benefit assessment of the actions this rule will take was completed and is summarized after the background section.

Federal Assistance Programs

The title and number of the Federal assistance program in the Catalog of Federal Domestic Assistance to which this final rule applies is 10.051—Commodity Loans and Loan Deficiency Payments.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule because the Office of the Secretary, FSA and CCC are not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Assessment

The environmental impacts of this final rule were considered in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and FSA's regulations for compliance with NEPA, 7 CFR part 799. FSA has concluded that the rule will have no significant impacts upon the human environment as documented through the completion of an environmental evaluation. A copy of the environmental evaluation is available for inspection and review upon request.

Executive Order 12778

The final rule has been reviewed under Executive Order 12778. This rule preempts State laws that are inconsistent with its provisions. This rule is retroactive to September 30, 2005. Before any judicial action may be brought regarding this rule, all administrative remedies must be exhausted.

Executive Order 12372

This program is not subject to Executive Order 12372, which requires consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) does not apply to this rule because the Office of the Secretary, FSA and CCC are not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking about the subject matter of this rule. Further, this rule imposes no unfunded mandates, as defined in UMRA, on any local, state, or tribal government or the private sector.

Paperwork Reduction Act

Section 1601(c) of the 2002 Act provides that the promulgation of regulations and the administration of Title I of the 2002 Act shall be made without regard to chapter 5 of title 44 of the United States Code (the Paperwork Reduction Act). Accordingly, these regulations and the forms, and other information collection activities needed to administer the program authorized by these regulations, are not subject to review by the Office of Management and Budget under the Paperwork Reduction Act.

Summary of Economic Impacts

The MILC has paid about $2.0 billion to dairy operations over the four initial years of operation. Expenditures during the extended period, FY 2006 and FY 2007, are expected to be between $700 and $900 million based on estimated milk prices during the period. Dairy farm income and Government expenditures will increase equally.

List of Subjects in 7 CFR Part 1430

Dairy products, Loan programs/agriculture, Price support programs, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble, 7 CFR part 1430 is amended as set forth below.

PART 1430—DAIRY PRODUCTS

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

Authority: 7 U.S.C. 7981 and 7982; 15 U.S.C. 714b and 714c; Pub. L. 108–324, 118 Stat. 1220.

Subpart B—Milk Income Loss Contract Program

■ 2. Amend § 1430.202 by revising the definition of ''Eligible production'' to read as follows:

§ 1430.202 Definitions.

* * * * *

Eligible production means milk that was produced by cows in the United States and marketed commercially during the period of December 1, 2001, through September 30, 2007, up to a maximum of 2.4 million pounds per dairy operation per fiscal year.

* * * * *

■ 3. Amend § 1430.203 by revising paragraphs (a) and (f) to read as follows:

§ 1430.203 Eligibility.

* * * * *

(a) Have produced milk in the United States and commercially marketed the milk produced anytime during the period of December 1, 2001, through September 30, 2007;

* * * * *

(f) Be actively engaged in the business of producing and marketing agricultural products anytime during the period of December 1, 2001, through September 30, 2007.

* * * * *

■ 4. Revise § 1430.205 to read as follows:

§ 1430.205 Selection of starting month.

(a) A dairy operation that enters into a MILC with CCC must designate the starting production month that it desires CCC to begin making payments to them. The starting production month must be selected on or before the 15th of the month before the month for which payment is sought during fiscal year 2002 through fiscal year 2005. The starting production month must be selected on or before the 14th of the month before the month for which payment is sought during fiscal year 2006 and fiscal year 2007. If such date falls on a weekend, the dairy operation production start month selection must be made on the last business day preceding the weekend. A dairy operation cannot select a month for payment which:

(1) Has already begun, except as provided in paragraph (c)(1) of this section;

(2) Has already passed; or

(3) During which no milk production was produced by the dairy operation.

(b) During fiscal year 2006 only, during April 13, 2006 to May 17, 2006, a dairy operation can select from:

(1) Any month beginning October 2005 through May 2006, in which there was a payment rate in effect; or

(2) Any month beginning June 2006 through September 2006, for which the payment rate is not known and in accordance with paragraph (a) of this section.

(c) Dairy operations that submit a MILC after the CCC-designated signup period for fiscal year 2006 set forth in paragraph (b) of this section, but before September 30, 2007, can select the MILC production start month from:

(1) The month the MILC is submitted to CCC by the dairy operation or the next consecutive month with a payment rate in effect following the month the MILC is submitted to CCC by the dairy operation, if no payment rate is in effect in the month the MILC is submitted;

(2) The months remaining in the fiscal year in which the MILC is submitted for which the payment rate is not known in accordance with paragraph (a) of this section.

(d) Dairy operations may change the production starting month on or before:

(1) The 15th day of the month previously selected during fiscal years 2002 through 2005;

(2) The 14th day of the month previously selected during fiscal years 2006 and 2007.

(e) If a change of the production starting month is not made by the dates required by paragraph (d) of this section, the MILC production starting month cannot be changed until the next fiscal year. If the selected MILC production starting month is never modified, it will remain the same throughout the duration of the contract.

(f) MILC payments will be made consecutively to the dairy operation on a monthly basis after the production starting month has been designated until the earlier of the following:

(1) Payment quantity is reached in accordance with § 1430.207; or

(2) The end of the applicable fiscal year.

(g)(1) During fiscal years 2002 through 2005, dairy operations that did not designate the month to begin receiving payments from CCC were issued consecutive payments on a monthly basis on marketed milk production beginning in the first month of the fiscal year with a payment rate in effect, unless FSA was notified that a month would be designated at a later date. During fiscal years 2006 and 2007, dairy operations must designate a MILC production start month to begin receiving payments from CCC. MILC production start month selections made during the signup period designated by CCC may be made as provided in paragraph (b)(1) of this section, otherwise MILC production start month selections must be made in accordance with paragraph (c) of this section.

(2) Dairy operations with MILC production start months that begin with the month a MILC is submitted to FSA or that begin with the first month of the fiscal year with an effective payment rate will receive payments made by CCC consecutively on a monthly basis until the earlier of the following:

(i) The maximum payment quantity is reached as determined in accordance with § 1430.207; or

(ii) The end of the applicable fiscal year.

(h) All producers involved in the dairy operation must agree to the month designated. The dairy operation assumes the risk of not reaching the maximum payment quantity based on the month selected by the dairy operation. Payments will not be issued for past months for the sole purpose of reaching the maximum payment quantity.

§ 1430.206 [Removed]

■ 5. Section 1430.206 is removed and reserved.

■ 6. Amend § 1430.208 by revising paragraphs (a), (b)(2), and adding (b)(3) and (c)(3) to read as follows:

§ 1430.208 Payment rate and dairy operation payment.

(a) Payments under this subpart may be made to dairy operations when the Boston Class I milk price under the applicable Federal milk marketing order is below $16.94 per cwt. No payments will be made to dairy operations for marketings during the months that the Boston Class I milk price under the applicable milk marketing order is equal to or exceeds $16.94.

(b) * * *

(2) Multiplying the difference by 34 percent during the period beginning on October 1, 2005, and ending on August 31, 2007; and

(3) Multiplying the difference by 0 percent during the period beginning on September 1, 2007, and ending on September 30, 2007.

(c) * * *

(3) Payments to dairy operations will be based on calculated payment rates rounded seven places to the right of the decimal.

* * * * *

■ 7. Amend § 1430.209 by revising the section heading and paragraph (a) to read as follows:

§ 1430.209 Proof of market loss production.

(a) A dairy operation entering into a MILC must, based on instructions issued by the Deputy Administrator, provide adequate proof of the dairy operation's eligible production during the months of each fiscal year designated in the MILC. The dairy operation must also provide proof that the eligible production was commercially marketed during the months beginning October 1, 2005, and ending September 30, 2007. Evidence of milk production claimed for payment shall be provided to CCC with supporting documentation under paragraph (b) of this section. All information provided is subject to verification, spot check and audit by FSA. Further verification information may be obtained from the dairy operation's milk handler or marketing cooperative if deemed necessary by CCC to verify provided information. Refusal to allow a representative of CCC or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility for benefits under this subpart.

* * * * *

■ 8. Amend § 1430.211 by revising paragraph (a) to read as follows:

§ 1430.211 Duration of contracts.

(a) Except as provided in §§ 1430.205, or elsewhere in this subpart, a MILC entered into by producers in a dairy operation shall cover eligible production marketed by the producers

in the dairy operation during the period beginning with the first day of the month the producers in the dairy operation enter into an MILC and ending on September 30, 2007.

* * * * *

Signed in Washington, DC, on April 12, 2006.

Thomas B. Hofeller,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 06–3669 Filed 4–13–06; 1:29 pm]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24447; Directorate Identifier 2005–SW–35–AD; Amendment 39–14562; AD 2006–08–07]

RIN 2120–AA64

Airworthiness Directives; Brantly International, Inc. Model B–2, B–2A, and B–2B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for the specified Brantly International, Inc. (Brantly) model helicopters. This action requires certain inspections and measurements of the upper tail rotor vertical gearbox (gearbox), vertical shaft (shaft) and shaft housing (housing) and their associated parts; and of the intermediate gear box bushing (bushing). This amendment is prompted by an accident and an incident report of fatigue cracking of a shaft. The actions specified in this AD are intended to prevent fatigue cracking of a shaft, failure of a shaft, and subsequent loss of control of the helicopter.

DATES: Effective May 2, 2006.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 2, 2006.

Comments for inclusion in the Rules Docket must be received on or before June 16, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this AD:

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

You may get the service information identified in this AD from Brantly International, Inc., Wilbarger County Airport, 12399 Airport Drive, Vernon, Texas 76384, telephone 940–552–5451.

Examining the Docket

You may examine the docket that contains the AD, any comments, and other information on the Internet at *http://dms.dot.gov,* or in person at the Docket Management System (DMS) Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

FOR FURTHER INFORMATION CONTACT: Marc Belhumeur, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5177, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION: This amendment adopts a new AD for the specified Brantly model helicopters. This action requires certain inspections and measurements of the gearbox, shaft, housing and their associated parts; and of the bushing. This amendment is prompted by an accident and an incident report of fatigue cracking of a shaft. The fatigue cracking may have been caused by higher than expected loads, most likely due to misalignment. Fatigue cracking of the shaft, if not detected, could result in failure of the shaft and subsequent loss of control of the helicopter.

We have reviewed Brantly Service Bulletin No. 105, Revision A, dated August 3, 2005 (SB), which describe procedures for certain inspections of the gearbox, shaft, housing, and bushing for helicopters, serial number 2001 and larger, or any serial-numbered helicopter with a shaft, part number (P/N) 249–10, installed, that was purchased after 1994.

This unsafe condition is likely to exist or develop on other helicopters of the same type design. Therefore, this AD is being issued to prevent fatigue cracking of the shaft, failure of the shaft, and subsequent loss of control of the helicopter. This AD requires, within 10 hours time-in-service (TIS) and before further flight after any hard landing or any main or tail rotor sudden stoppage:

- Removing the gearbox, P/N 278–200; shaft, P/N 249–10; housing, P/N 249–3; and the bushing, P/N 252–4.
- Inspecting and measuring the flange retainer, P/N 15–17, and replacing the flange retainer with an airworthy flange retainer if the part is deformed or if the inside diameter is not 1.5050 to 1.5060 inches.
- Inspecting and measuring the housing, P/N 249–3, and replacing the housing with an airworthy housing if the part is deformed or if any outer diameter not on the flared end is not 1.497 to 1.500 inches or if the outer diameter of the flared end is not 1.844 to 1.875 inches.
- Inspecting and measuring the bushing, P/N 252–4, and replacing it if its length is not .292 to .302 inch or if nicks or scoring is found.
- Inspecting and measuring the bevel pinion gear (gear), P/N 15–8, and replacing the gear with an airworthy gear if certain conditions exist.
- Inspecting each vertical shaft attachment bolt, P/N 15–201 and P/N 249–11, measuring the grip diameter, and replacing any bolt with an airworthy bolt if it has fretting or nicks or if the grip diameter is not .1889 to .1894 inch.
- Inspecting the male coupling, P/N 249–9, and measuring the bolt hole and bore diameter and replacing the male coupling with an airworthy male coupling if certain conditions exist.
- Inspecting the shaft, P/N 249–10, for misalignment; measuring the diameter of the bolt holes; inspecting for straightness of the shaft; magnetic particle inspecting the shaft for a crack; visually inspecting the shaft; and replacing the shaft if certain conditions exist.
- Assembling and inspecting the gearbox, P/N 278–200, the shaft, P/N 249–10, and the housing, P/N 249–3; inspecting the bore for foreign objects or burrs before assembling the pinion gear and the male coupling to the shaft; and replacing any unairworthy parts.

This AD further requires:

- Ensuring that the intermediate gearbox, P/N 278–100, its cover, P/N 252–3, and the bushing, P/N 252–4, the long horizontal shaft housing, P/N 14–13, and its retainer flange, P/N 15–17, are aligned and bolted down without

any adjustment being made for the gearbox (upper), shaft (vertical), or housing.

• Installing and inspecting the gearbox, P/N 278–200, and correcting any installation that does not comply with the installation tolerances.

• Following an airworthy installation of the gearbox, inspecting the tail rotor rigging control and correcting it, if necessary.

• Reporting discrepancies to the Rotorcraft Certification Office within 7 work days. The inspections, installation procedures, and assembly of the gearbox must be done by following the specified portions of the SB described previously.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity and controllability of the helicopter. Therefore, inspecting and measuring the gearbox, shaft, housing, and bushing are required within 10 hours TIS. Also, replacing any unairworthy part found during any inspection is required before further flight, so this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

This AD is an interim action that covers initial inspections and measurements of the gearbox, shaft, housing, bushing, and their associated parts. We plan to follow this AD with a superseding Notice of Proposed Rulemaking to propose adding recurring 200-hour inspections of the shaft until the cause of the shaft cracking can be determined.

We estimate that this AD will affect 194 helicopters, and inspecting, measuring, and replacing the tail rotor drive system parts will take about 13.4 work hours to accomplish at an average labor rate of $65 per work hour, assuming the upper gearbox (which includes the shaft) and the intermediate gearbox are replaced, which would be the worst case scenario. Under this assumption, required parts will cost approximately $5,775 (cost of the upper and the intermediate gearbox) per helicopter. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $1,289,324.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–XXXXX; Directorate Identifier 2005–SW–35–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

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

Regulatory Findings

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

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

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

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD. See the DMS to examine the economic evaluation.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2006–08–07 Brantly Helicopter, Inc.: Amendment 39–14562. Docket No. FAA–2006–24447; Directorate Identifier 2005–SW–35–AD.

Applicability: Model B–2, B–2A, and B–2B helicopters, serial number 2001 and larger, with a vertical shaft (shaft), part number (P/N) 249–10, or any serial-numbered helicopter with a shaft, P/N 249–10, that was purchased after 1994, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect fatigue cracking of the shaft and prevent failure of the shaft and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 10 hours time-in-service (TIS) and before further flight after any hard landing or any main or tail rotor sudden stoppage:

(1) Remove the tail rotor vertical gearbox (gearbox), P/N 278–200; shaft, P/N 249–10; vertical shaft housing (housing), P/N 249–3; and the intermediate gearbox bushing (bushing), P/N 252–4, from the helicopter.

(2) Inspect the flange retainer, part number (P/N) 15–17, located at the top of the shaft housing for deformation and measure the inside diameter. Before further flight, replace the flange retainer with an airworthy flange retainer if the part is deformed or if the inside diameter is not 1.5050 to 1.5060 inches.

(3) Inspect the housing, P/N 249–3, for deformation and measure the outer diameter at each end and at the center of its span.

Replace the housing with an airworthy housing if:

(i) The housing is deformed;

(ii) Any outer diameter not on the flared end is not 1.497 to 1.500 inches; or

(iii) The outer diameter of the flared end is not 1.844 to 1.875 inches.

(4) Inspect the bushing, P/N 252–4, for nicks or scoring, and measure the bushing's length. If the length of the bushing is not .292 to .302 inch or if nicks or scoring is found, replace the bushing with an airworthy bushing before further flight.

(5) Inspect the bevel pinion gear (gear), P/N 15–8, paying particular attention to the bore, for nicks, scoring, burrs, or misalignment. Measure the diameter of the bolt hole and the bore. Before further flight, replace the gear with an airworthy gear if:

(i) You find misalignment,

(ii) You cannot remove all nicks, scoring, or burrs with light hand polishing using Scotch Brite (maroon or white) and maintain all tolerances and a 32 root mean square (rms) finish,

(iii) The diameter of the bolt hole is not .1894 to .1899 inch, or

(iv) The bore diameter is not .6248 to .6250 inch.

(6) Inspect the shaft attachment bolt, P/N 15–201, that inserts into the pinion, and the attachment bolt, P/N 249–11, that inserts into the male coupling, for fretting or nicks in the area where the bolts contact the shaft and measure the grip diameter. If a bolt has fretting or nicks or if the grip diameter is not .1889 to .1894 inch, replace the bolt with an airworthy bolt before further flight.

(7) Inspect the male coupling, P/N 249–9, paying particular attention to the bore for nicks, scoring, keyway elongation, burrs, or misalignment and measure the bolt hole diameter and the bore diameter. Before further flight, replace the male coupling with an airworthy male coupling if:

(i) You find misalignment;

(ii) The keyway has elongation;

(iii) You cannot remove all nicks, scoring, or burrs with light hand polishing using Scotch Brite (maroon or white) and maintain all tolerances and a 32 rms finish;

(iv) The diameter of the bolt hole is not .1894 to .1899 inch; or

(v) The bore diameter is not .6250 to .6260 inch.

(8) Inspect the shaft, P/N 249–10, for misalignment. Measure the diameter of the bolt holes. Inspect for straightness of the shaft by placing the shaft on a flat surface plate calibrated to work surface accuracy tolerance of ±.001 inch, rolling the shaft, and measuring the greatest gap between the shaft and the flat surface table. Magnetic particle inspect the shaft for a crack, paying particular attention to the bolt holes. Visually inspect the shaft, paying particular attention to a circular area of .500 inch radius from the center of the bolt holes for the following damage: nicks, scoring, fretting, burrs, or misalignment. Before further flight, replace the shaft if:

(i) You find misalignment,

(ii) You cannot remove all nicks, scoring, fretting, or burrs with light hand polishing using Scotch Brite (maroon or white) and maintaining all tolerances and a 32 rms finish,

(iii) The diameter of the bolt hole is not .1894 to .1899 inch,

(iv) The outer diameter of the shaft is not .6240 to .6250 inch at all points,

(v) The shaft is not straight and the maximum gap between the shaft and the flat surface table exceeds .007 inch, or

(vi) You find a crack, a surface or subsurface discontinuity, or pitting.

(9) Assemble and inspect the gearbox, P/N 278–200, the shaft, P/N 249–10, and the housing, P/N 249–3, by following Part 2, paragraph 2.6 of Brantly International Inc. Service Bulletin No. 105, Revision A, dated August 3, 2005 (SB). Before assembling the pinion gear and the male coupling to the shaft, thoroughly inspect the bore for foreign objects or burrs. Clean and deburr the bore. If the assembly fails any inspection required by this paragraph, replace the gearbox, shaft, and housing with airworthy parts before further flight and before complying with the remainder of this AD. When the SB uses the term ''check'', for purposes of this AD, it means ''inspect.'' Also, you are not required to contact the factory as stated in the SB.

(b) Before installing the gearbox (upper):

(i) Align and bolt down the intermediate gearbox, P/N 278–100, its cover, P/N 252–3, and the bushing, P/N 252–4, the long horizontal shaft housing, P/N 14–13, and its retainer flange, P/N 15–17, without making any adjustment for the gearbox (upper), shaft (vertical), or housing.

Note 1: See the applicable maintenance manual for installation instructions.

(c) Before further flight, install and inspect the gearbox, P/N 278–200, by following paragraphs 2.7 1) through 4) and Figure SB–105–2 of the SB. If the gearbox fails any portion of the installation procedures or any inspection tolerance required by this paragraph, the installation is not airworthy and the helicopter is grounded until the installation complies with the requirements of this paragraph.

(d) After an airworthy installation of the gearbox is complete, inspect the tail rotor rigging control and correct it, if necessary, before further flight.

Note 2: See the applicable maintenance manual for tail rotor control rigging instructions.

(e) Within 7 work days of conducting the inspections and measuring the affected parts, report any discrepancies for the item listed in Appendix A of this AD to the Rotorcraft Certification Office at the address specified in Appendix A. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(f) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Rotorcraft Certification Office, FAA, for information about previously approved alternative methods of compliance.

(g) Assemble, inspect, and install the gearbox and associated parts by following the specified portions of the instructions in Brantly International, Inc. Service Bulletin No. 105, Revision A, dated August 3, 2005. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Brantly International, Inc., Wilbarger County Airport, 12399 Airport Drive, Vernon, TX 76384, telephone 940–552–5451. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Appendix A—Results of Gearbox Assembly Inspection and Wear Measurements for the Brantly Model B–2, B–2A, and B–2B, Helicopters

Point of Contact Information:

Name: _____

Company Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Gearbox Part Inspection and Measurement Information (Report any discrepancies found per the AD): _____

Flange Retainer part number (P/N) 15–17 _____

Shaft Housing, P/N 249–3 _____

Bushing, P/N 252–4 _____

Bevel Pinion, P/N 15–8 _____

Bolt, P/N 15–201 _____

Bolt 249–11 _____

Male Coupling, P/N 249–9 _____

Shaft, P/N 249–10 _____

Tail Rotor Gearbox Assembly, P/N 278–200 _____

Installation of Tail Rotor Gearbox Assembly _____

Mail or Fax Results to: Federal Aviation Administration, ATTN: Marc Belhumeur, Rotorcraft Certification Office, Fort Worth, TX 76193–0170, FAX: (516) 222–5783.

(h) This amendment becomes effective on May 2, 2006.

Issued in Fort Worth, Texas, on April 5, 2006.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 06–3536 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24261; Directorate Identifier 2006–NE–12–AD; Amendment 39–14566; AD 2006–06–51]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Aircraft Engines (GEAE) CT7–8A Turboshaft Engines

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

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting emergency airworthiness directive (EAD) 2006–06–51 that we sent previously to all known U.S. owners and operators of GEAE CT7–8A turboshaft engines installed on Sikorsky S92 helicopters. This AD requires initial and repetitive inspections of the electrical chip detectors for the No. 3 bearing. This AD results from two failures of the No. 3 bearing in GEAE CT7–8A engines. We are issuing this AD to prevent failures of the No. 3 bearings and possible dual in-flight shutdowns of the engines.

DATES: This AD becomes effective May 2, 2006 to all persons except those persons to whom it was made immediately effective by emergency AD 2006–06–51, issued on March 17, 2006, which contained the requirements of this amendment.

We must receive any comments on this AD by June 16, 2006.

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

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

FOR FURTHER INFORMATION CONTACT: Mark Bouyer, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7755; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On March 17, 2006, the FAA issued emergency AD 2006–06–51, that applies to certain serial number GEAE CT7–8A turboshaft engines installed on Sikorsky S92 helicopters. That AD requires an initial inspection of the electrical chip detector for debris within 25 hours time-in-service after the effective date of that EAD, and thereafter, repetitive inspections within 25 hours time-since-last inspection. That AD resulted from reports of two failures of the No. 3 bearings on GEAE CT7–8A turboshaft engines. Bearing contamination by Aluminum Oxide caused the first failure. The Aluminum Oxide contamination is a hard-particle contamination, left in the air cavity of the front frame core after cleaning, that entered the bearing and caused damage and metal loss at the roller ball and race interface. The loss of metal caused a warning light for an electrical chip detector to illuminate in the cockpit. The pilot reduced power to the engine. Inspection found the bearing unserviceable. The engine accumulated 458 flight hours-since-new before the failure. Improper use of a bearing support tool at production assembly caused the second failure. Damage from improper use of a bearing support tool caused bearing metal loss at the roller ball and race interface. The loss of metal caused a warning light for an electrical chip detector to illuminate in the cockpit and signaled an impending oil bypass. The pilot performed an in-flight shutdown of the engine. The engine accumulated 686 hours-since-new. This condition, if not corrected, could result in failures of the No. 3 bearings and possible dual in-flight shutdowns of the engines.

FAA's Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, we issued emergency AD 2006–06–51 to prevent failures of the No. 3 bearings and possible dual in-flight shutdowns of the engines. This AD requires:

- Within 25 hours time-in-service after the effective date of this AD, inspecting the electrical chip detector assembly.
- Staggering the inspection intervals so the chip detectors on both engines on the same helicopter are not inspected at the same time.
- Thereafter, within 25 hours time-since-last inspection, performing a repetitive inspection, and
- If the chip detector assembly contains any bearing material, replacing the engine.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable. We found that good cause existed to make the AD effective immediately on March 17, 2006, to all known U.S. owners and operators of certain SN GEAE CT7–8A turboshaft engines installed on Sikorsky S92 helicopters. These conditions still exist, and we are publishing the AD in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Code Federal Regulations (14 CFR part 39) to make it effective to all persons.

Interim Action

These actions are interim actions and we may take further rulemaking actions in the future.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES.** Include ''AD Docket No. FAA–2006–24261; Directorate Identifier 2006–NE–12–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the DMS Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.).

Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the Docket Management Facility Offices between 9 a.m. and 5

p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES.** Comments will be available in the AD docket shortly after receipt.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2006–06–51 General Electric Company Aircraft Engines: Amendment 39–14566. Docket No. FAA–2006–24261; Directorate Identifier 2006–NE–12–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective May 2, 2006, to all persons except those persons to whom it was made immediately effective by emergency AD 2006–06–51, issued March 17, 2006, which contained the requirements of this amendment.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Company Aircraft Engines (GEAE) CT7–8A serial numbers (SNs) 947201 through 947204, 947209 through 947235, 947238 through 9472268, 947273 through 947281, and 947283 though 947285. These engines are installed on, but not limited to, Sikorsky S92 helicopters.

Unsafe Condition

(d) This AD results from two failures of the No. 3 bearing in GEAE CT7–8A engines. We are issuing this AD to prevent failures of the No. 3 bearings and possible dual in-flight shutdowns of the engines.

Compliance

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

Initial Inspection of the Electrical Chip Detector

(f) Within 25 hours time-in-service after the effective date of this AD, do the following:

(1) Remove the electrical chip detector assembly.

(2) If the chip detector assembly contains any bearing material, replace the engine.

(3) Stagger the inspection intervals so the chip detectors on both engines on the same helicopter are not inspected at the same time.

Repetitive Inspection of the Electrical Chip Detector

(g) Thereafter, within 25 hours time-since-last inspection, perform the inspection specified in paragraph (f)(1) through (f)(3) of this AD.

Alternative Methods of Compliance

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

Related Information

(i) None.

Issued in Burlington, Massachusetts, on April 11, 2006.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 06–3616 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23647; Directorate Identifier 2006–CE–06–AD; Amendment 39–14564; AD 2002–11–05 R1]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Model AT–501 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) to revise AD 2002–11–05, which applies to certain Air Tractor, Inc. (Air Tractor) AT–400 series and Models AT–501, AT–802, and AT–802A airplanes. AD 2002–11–05 establishes a safe life for the wing lower spar cap. Since we issued AD 2002–11–05, we have received reports of cracks found prior to the established safe life on AT–400 series airplanes and on Model AT–802A airplanes. We are issuing separate AD actions for AT–400 series and Models AT–802 and AT–802A airplanes to address the unsafe condition of those airplanes. This AD retains the actions required in AD 2002–11–05 for Model AT–501 airplanes and removes AT–400 series and Models AT–802 and AT–802A airplanes from the applicability of AD 2002–11–05.

DATES: This AD becomes effective on April 21, 2006.

On June 8, 2001 (66 FR 27014, May 16, 2001), the Director of the Federal Register previously approved the incorporation by reference of certain publications listed in the regulation.

We must receive any comments on this AD by June 2, 2006.

ADDRESSES: Use one of the following to submit comments on this AD:

• *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

• *Fax:* 1–202–493–2251.

• *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this AD, contact Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374; or Marburger Enterprises, Inc., 1227 Hillcourt, Williston, North Dakota 58801; telephone: (800) 893–1420 or (701) 774–0230; facsimile: (701) 572–2602.

To view the comments to this AD, go to *http://dms.dot.gov.* The docket number is FAA–2006–23647; Directorate Identifier 2006–CE–06–AD.

FOR FURTHER INFORMATION CONTACT: Direct all questions to:

—For airplanes that do not incorporate and never have incorporated Marburger winglets: Rob Romero, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5102; facsimile: (817) 222–5960; and

—For airplanes that incorporate or have incorporated Marburger winglets: John Cecil, Aerospace Engineer, Los Angeles Aircraft Certificate Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone: (562) 627–5228; facsimile: (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Discussion

What is the background of the subject matter? There have been five previous airworthiness directives (ADs) issued related to the wing spar inspection and safe life on Air Tractor airplanes:

• AD 2000–14–51, Amendment 39–11837 (65 FR 46567, July 31, 2000).

• AD 2001–10–04, Amendment 39–12230 (66 FR 27014, May 16, 2001).

• AD 2001–10–04, R1, Amendment 39–12247 (66 FR 2990, June 4, 2001).

• AD 2002–11–05, Amendment 39–12766 (67 FR 37967, May 31, 2002).

• AD 2002–26–05, Amendment 39–12991 (68 FR 18, January 2, 2003).

AD 2000–14–51. An Air Tractor Model AT–502A experienced an in-flight wing separation. As a result, the FAA issued AD 2000–14–51 as an emergency AD. This AD required the inspection of the wing lower spar cap for cracks on Air Tractor Models AT–501, AT–502, and AT–502A airplanes and modification or replacement of any cracked wing lower spar cap. Following the release of this AD, the manufacturer evaluated the AT–400 and AT–800 series lower spar cap fatigue life.

AD 2001–10–04: The manufacturer recalculated the fatigue life of the wing lower spar cap on Air Tractor AT–400, and AT–500, and AT–800 series airplanes. The manufacturer also received reports of in-service cracks on airplanes with hours time-in-service (TIS) less than the published safe life. The cracks originated in the wing main spar lower cap at the center splice joint outboard 3/8-inch bolt hole. To address this condition, we issued AD 2001–10–04 to lower the safe life for the wing lower spar cap on Air Tractor AT–400, AT–500, and AT–800 series airplanes. The safe life for the wing lower spar cap ranged from a low of 3,000 hours TIS to a high of 13,300 hours TIS depending upon model and serial number. This AD superseded AD 2000–14–51 and allowed for inspection (using eddy-current methods) of the wing lower spar cap for airplanes that were at or over the lower safe life and for which parts were not available. Operation of the airplane was not allowed if you found cracks or you reached TIS limit.

AD 2001–10–04 R1: We inadvertently included those AT–800 series airplanes in the applicability of AD 2001–10–04 that were equipped with the factory-supplied computerized fire gate (part number 80540) and engaged in full-time firefighting. Consequently, we revised the AD to clarify that those airplanes were not affected.

AD 2002–11–05: In response to AD 2001–10–04 R1, we received a comment from the National Transportation Safety Board (NTSB) to recommend an eddy-current inspection requirement immediately before doing the two-part modification described in Snow Engineering Service Letter #202, revised March 26, 2001. Doing the eddy-current inspection before the modification makes the crack easier to detect and gives the mechanic an area to concentrate on during any post-modification inspections. We issued AD 2002–11–05 to minimize the possibility that a crack existing in a bolt hole before doing the modification was still present after doing the modification. Additional analysis by the manufacturer also indicated the need to further reduce the safe life for certain AT–400 series airplanes and certain AT–500 series airplanes that either incorporate or have incorporated Marburger winglets. These winglets were installed following Supplemental Type Certificate (STC) No. SA00490LA. We developed criteria for determining what the new safe life would be for airplanes that either incorporate or have incorporated these winglets. The safe life was reduced for airplanes that either incorporate or have incorporated these winglets by a usage factor reduction that is applied to the basic safe life. We used this information and issued AD 2002–11–05 to supersede AD 2001–10–04 R1 and require eddy-current inspections of the wing lower spar cap immediately before doing the replacement/modification to detect and correct any crack in a bolt hole before it extends to the modified center section of the wing. This AD further reduced the safe life for certain Models AT–401, AT–401B, AT–402, AT–402A, AT–402B, and AT–501 airplanes that incorporate or have incorporated Marburger winglets and removed the Models AT–502, AT–502A, AT–502B, and AT–503A airplanes from the applicability.

AD 2002–26–05: To address the Models AT–502, AT–502A, AT–502B, and AT–503A airplanes that were removed from AD applicability by AD 2002–11–05, we issued AD 2002–26–05. This AD is still in effect and lowers the safe life and requires the eddy-current inspections of the wing lower spar cap immediately before doing the replacement/modification. This would allow you to detect and correct any crack in a bolt hole before it extends to the modified center section of the wing.

What has happened to initiate this AD action? The FAA received reports of fatigue cracking found on three AT–400 series airplanes and on three Model AT–802A airplanes that were below the reduced safe life established in AD 2002–11–05. One of the AT–400 series airplanes had Marburger winglets and the other incident airplanes did not. Specifically:

• One AT–400 series airplane equipped with winglets cracked at 5,340 hours TIS where the reduced safe life was 5,380 hours TIS. A second AT–400 series airplane cracked at 3,359 hours TIS where the reduced safe life was 4,589 hours TIS. A third AT–400 series airplane cracked at 4,176 hours TIS where the reduced safe life was 4,589 hours TIS, and the cracks were severe enough to not allow modification and required immediate wing spar replacement; and

• One AT–802A airplane cracked at 2,378 hours TIS where the reduced safe

life was 4,531 hours TIS. A second AT–802A airplane cracked at 3,809 hours TIS where the reduced safe life was 4,531 hours TIS. A third AT–802A airplane cracked at 4,479 hours TIS where the reduced safe life was 4,531 hours TIS.

Further analysis shows the continued operation of these airplanes without inspection and/or modification could severely jeopardize the safety of the fleet.

What is the potential impact if the FAA took no action? This condition could result in fatigue cracks in the wing lower spar cap before the established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in wing separation and loss of control of the airplane.

The FAA's Determination and Requirements of the AD

What has the FAA decided? We have evaluated all pertinent information and identified an unsafe condition that continues to exist or develop on type design Air Tractor Model AT–501 airplanes. Therefore, we are issuing this AD to prevent fatigue cracks from occurring in the wing lower spar cap before the originally established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

What does this AD require? This AD revises AD 2002–11–05, Amendment 39–12766 (67 FR 37967, May 31, 2002), with a new AD that retains the actions required in AD 2002–11–05 for Model AT–501 and removes the AT–400 series and Models AT–802 and AT–802A airplanes from the applicability.

In preparing this rule, we contacted type clubs and aircraft operators to get technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included a discussion of any information that may have influenced this action in the rulemaking docket.

Comments Invited

Will I have the opportunity to comment before you issue the rule? This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2006–23647; Directorate Identifier 2006–CE–06–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

Authority for This Rulemaking

What authority does the FAA have for issuing this rulemaking action? Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator, Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

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

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

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

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

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''AD Docket FAA–2006–23647; Directorate Identifier 2006–CE–06–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by removing Airworthiness Directive (AD) 2002–11–05, Amendment 39–12766 (67 FR 37967, May 31, 2002), and by adding a new AD to read as follows:

2002–11–05–R1 Air Tractor, Inc.: Amendment 39–14564; Docket No. FAA–2006–23647; Directorate Identifier 2006–CE–06–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on April 21, 2006.

Are Any Other ADs Affected by This Action?

(b) This AD revises AD 2002–11–05, Amendment 39–12766.

What Airplanes Are Affected by This AD?

(c) This AD applies to Model AT–501 airplanes that are certificated in any category. Use Table 1 in paragraph (c)(1) of this AD for AT–501 airplanes that do not incorporate and never have incorporated Marburger winglets and use Table 2 in paragraph (c)(3) of this AD for AT–501 airplanes that incorporate or have incorporated Marburger winglets.

(1) The following table applies to airplanes that do not incorporate and never have incorporated Marburger winglets along with the safe life (presented in hours time-in-service (TIS)) of the wing lower spar cap for all affected airplane models and serial numbers:

TABLE 1.—SAFE LIFE FOR AIRPLANES THAT DO NOT INCORPORATE AND NEVER HAVE INCORPORATED MARBURGER WINGLETS

Model	Serial Nos.	Wing lower spar cap safe line
AT–501	0002 through 0061	4,531 hours TIS.
AT–501	All beginning with 0062	7,693 hours TIS.

(2) If piston-powered aircraft have been converted to turbine power, you must use the limits for the corresponding serial number turbine-powered aircraft.

(3) The following table applies to airplanes that incorporate or have incorporated Marburger winglets. These winglets are installed in accordance with Supplemental Type Certificate (STC) No. SA00490LA. Use the winglet usage factor in Table 2 of this paragraph, the safe life specified in Table 1 in paragraph (c)(1) of this Ad, and the instructions included in Appendix 1 to this AD to determine the new safe life of airplanes that incorporate or have incorporated Marburger winglets:

TABLE 2.—WINGLET USAGE FACTOR TO DETERMINE THE SAFE LIFE FOR AIRPLANES THAT INCORPORATE OR HAVE INCORPORATED MARBURGER WINGLETS PER STC NO. SA00490LA

Model	Serial Nos.	Winglet usage factor
AT–501	0002 through 0061	1.6
AT–501	all serial numbers beginning with 0062.	1.6

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of service reports and analysis done on wing lower spar caps of Air Tractor airplanes. The actions specified in this AD are intended to prevent fatigue cracks from occurring in the wing lower spar cap before the established safe life is reached. Fatigue cracks in the wing lower spar cap, if not detected and corrected, could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

TABLE 3.—ACTIONS/COMPLIANCE/PROCEDURES

Actions	Compliance	Procedures
(1) Modify the applicable aircraft records as follows to show the reduced safe life for the wing lower spar cap (use the information from table in paragraph (c)(1) of this AD and utilize the information in paragraph (c)(3) of this AD and the Appendix to this AD, as applicable). (i) Incorporate the following into the Aircraft Logbook "In accordance with AD 2002–11–05, the wing lower spar cap is life limited to ___." Insert the applicable safe life number from the applicable tables in paragraphs (c)(1) and (c)(3) of this AD and the Appendix of this AD. (ii) If, as of the time of the logbook entry requirement of paragraph (e)(1) of this AD, your airplane is over or within 10 hours of the safe life, an additional 10 hours TIS after July 12, 2002 (the effective date of this AD) is allowed to do the replacement.	Do the logbook entry within the next 10 hours TIS after July 12, 2002 (the effective date of AD 2002–11–05), unless already done. The logbook language is referenced as AD 2002–11–05 instead of AD 2002–2002–11–05 R1 to maintain continuity and to assure that no additional action is necessary.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may modify the aircraft records as specified in paragraphs (e)(1) of this AD. Make an entry into the aircraft records showing compliance with this portion of the following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). Do the replacement when the safe life is reached following Snow Engineering Service Letters #197 or #205, both revised March 26, 2001, as applicable. The owner/operator may not do the replacement unless he/she holds the proper mechanic authorization.

TABLE 3.—ACTIONS/COMPLIANCE/PROCEDURES—Continued

Actions	Compliance	Procedures
(2) If you have ordered parts from the factory when it is time to replace the wing lower spar cap (as required when you reach the established safe life), but the parts are not available, you may eddy-current inspect the wing lower spar cap. These inspections are allowed until one of the following occurs, at which time the replacement must be done: (i) Crack(s) is/are found; (ii) Parts become available from the manufacturer; or (iii) Not more than three inspections or 1,200 hours TIS go by: the first inspection would have to be done upon accumulating the safe life; the second inspection would have to be done within 400 hours TIS after accumulating the safe life; the third inspection would have to be done 400 hours TIS after the second inspection; and the replacement would have to be done within 400 hours TIS after the third inspection (maximum elapsed time would be 1,200 hours TIS).	Inspect before further flight after ordering the parts and thereafter at intervals not to exceed 400 hours TIS until one of the criteria in paragraphs (e)(2)(i), (e)(2)(ii), and (e)(2)(iii) of this AD is met.	Following the procedures in Snow Engineering Service Letter #197, pages 1 and 2, revised March 26, 2001, and page 3, dated June 13, 2000; and Snow Engineering Service Letter #205, pages 1, 2, and 4, revised March 26, 2001, and page 3, dated October 25, 2000 as applicable.
(3) Eddy-current inspect the wing lower spar cap in order to detect any crack before it extends to the modified center section of the wing and repair that crack or replace the wing section. The inspection must be done by one of the following: (i) a Level 2 or Level 3 inspector that is certified for eddy-current inspection using the guidelines established by the American Society for Nondestructive Testing or MIL–STD–410; or (ii) A person authorized to perform AD work who has completed and passed the Air Tractor, Inc. training course on Eddy Current Inspection on wing lower spar caps.	Immediately before the replacement/modification required when you reach the new safe life. For airplanes that had this replacement done in accordance with either AD 2001–10–04 or AD 2001–10–04 R1, do this inspection and any necessary corrective action within the next 400 hours TIS after July 12, 2002 (the effective date of AD 2002–11–05), unless already done (have the mechanic who did the work mark the logbook accordingly).	Following the procedures in Snow Engineering Service Letter #197, pages 1 and 2, revised March 26, 2001, and page 3, dated June 13, 2000; and Snow Engineering Service Letter #205, pages 1, 2, and 4, revised March 26, 2001, and page 3, dated October 25, 2000, as applicable.

May I Request an Alternative Method of Compliance (AMOC)?

(f) The Manager, Fort Worth or Los Angeles Airplane Certification Office (ACO), as applicable, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(1) For information on any already approved AMOCs or for information pertaining to this AD, contact:

(i) For the airplanes that do not incorporate and never have incorporated Marburger winglets: Rob Romero, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5102; facsimile: (817) 222–5960; and

(ii) For airplanes that incorporate or have incorporated Marburger winglets: John Cecil, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone: (562) 627–5228; facsimile: (562) 627–5210.

(2) AMOCs approved for AD 2001–10–04 and/or AD 2000–14–51 are not considered approved for this AD.

(3) AMOCs approved for AD 2001–10–04 R1 for the Model AT–501 airplanes are considered approved for this AD.

(4) AMOCs approved for AD 2002–11–05 for the Model AT–501 airplanes are considered approved for this AD.

Are There Any Additional AMOCs Being Considered for This AD?

(g) The FAA may approve, as an AMOC, inspection of the wing lower spar cap. You must submit the request in accordance with the procedures in paragraph (f) of this AD and adhere to the following:

(1) If you are over or within 10 hours TIS of reaching the safe life used in paragraph (e)(1) of this AD for the wing lower spar cap and you have ordered parts and scheduled a date for the replacement, but having the replacement done on this date grounds the airplane, do the following:

(i) Inspect the wing lower spar cap within 10 hours TIS after approval of the AMOC;

(ii) re-inspect thereafter at intervals not to exceed 400 hours TIS until either cracks are found, the date of the scheduled replacement occurs, or 1,200 hours TIS after the initial inspection are accumulated, whichever occurs first; and

(iii) do the inspections following the procedures in Snow Engineering Service Letter #197, pages 1 and 2, revised March 26, 2001, and page 3, dated June 13, 2000; and Snow Engineering Service Letter #205, pages 1, 2, and 4, revised March 26, 2001, and page 3, dated October 25, 2000, as applicable.

(2) Submit the following to the Fort Worth or Los Angeles ACO, as applicable, using the procedures described in paragraph (f) of this AD:

(i) The airplane model serial number designation, and airplane registration number (N-number);

(ii) the number of hours TIS on the airplane;

(iii) the scheduled date for the replacement; and

(iv) the name and location of the authorized repair shop.

(3) For more information about this issue, contact:

(i) For the airplanes that do not incorporate and never have incorporated Marburger winglets: Rob Romero, Aerospace Engineer, FAA, Fort Worth Airplane Certification

Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5102; facsimile: (817) 222–5960; and

(ii) For the airplanes that incorporate or have incorporated winglets: John Cecil, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone: (562) 627–5228; facsimile: (562) 627–5210.

Special Flight Permit

(h) Under 14 CFR part 39.23, we are allowing special flight permits for the purpose of compliance with this AD under the following conditions:

(1) Only operate in day visual flight rules (VFR).

(2) Ensure that the hopper is empty.

(3) Limit airspeed to 135 miles per hour (mph) indicated airspeed (IAS).

(4) Avoid any unnecessary g-forces.

(5) Avoid areas of turbulence.

(6) Plan the flight to follow the most direct route.

Does This AD Incorporate Any Material by Reference?

(i) You must do the actions required by this AD following the instructions in Snow Engineering Service Letter #197, pages 1 and 2, revised March 26, 2001, and page 3, dated June 13, 2000; and Snow Engineering Service Letter #205, pages 1, 2, and 4, revised March 26, 2001, and page 3, dated October 25, 2000. On June 8, 2001 (66 FR 27014, May 16, 2001), the Director of the Federal Register previously approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374; or Marburger Enterprises, Inc., 1227 Hillcourt, Williston, North Dakota 58801; telephone: (800) 893–1420 or (701) 774–0230; facsimile: (701) 572–2602. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2006–23647; Directorate Identifier 2006–CE–06–AD.

Appendix to AD 2002–11–05 R1

The following provides procedures for determining the safe life for those Model AT–501 airplanes that incorporate or have incorporated Marburger winglets. These winglets are installed in accordance with Supplemental Type Certificate (STC) No. SA00490LA.

1. Review your airplane's logbook to determine your airplane's time in service (TIS) with winglets installed per Marburger STC No. SA00490LA. This includes all time spent with the winglets currently installed and any previous installations where the winglet was installed and later removed.

Example: A review of your airplane's logbook shows that you have accumulated 350 hours TIS since incorporating the Marburger STC. Further review of the airplane's logbook shows that a previous owner had installed the STC and later removed the winglets after accumulating 150 hours TIS. Therefore, your airplane's TIS with the winglets installed is 500 hours.

If you determine that the winglet STC has never been incorporated on your airplane, then your safe life is presented in paragraph (c)(1) of this AD. Any further winglet installation would be subject to a reduced safe life per these instructions.

2. Determine you airplane's unmodified safe life from paragraph (c)(1) of this AD.

Example: Your airplane is a Model AT–501, serial number 0100. From paragraph (c)(1) of this AD, the unmodified safe-life of your airplane is 7,693 hours TIS. All examples from hereon will be based on the Model AT–501, serial number 0100 airplane.

3. Determine the winglet usage factor from paragraph (c)(3) of this AD.

Example: Again, your airplane is a Model AT–501, serial number 0100. From paragraph (c)(3) of this AD, your winglet usage factor is 1.6.

4. Adjust the winglet TIS to account for the winglet usage factor. Multiply the winglet TIS (result of 1.) by the winglet usage factor (result of 3.).

Example: Winglet TIS is 500 hours X a winglet usage factor of 1.6. The adjusted winglet TIS is 800 hours.

Appendix to AD 2002–11–05 R1

5. Calculate the winglet usage penalty. Subtract the winglet TIS (result of 1.) from the adjusted winglet TIS (result of 4.).

Example: Adjusted winglet TIS is 800 hours − the winglet TIS of 500 hours. The winglet usage penalty is 300 hours TIS.

6. Adjust the safe life of your airplane to account for winglet usage. Subtract the winglet usage penalty (result of 5.) result from the unmodified safe life from paragraph (c)(1) of this AD (the result of 2.).

Example: The unmodified safe life is 7,693 hours TIS − the 300 hours TIS usage penalty = 7,393 hours TIS adjusted safe life.

7. If your remove the winglets from your airplane before further flight or nor longer have the winglets installed on your airplane, the safe life of your airplane is the adjusted safe life (result of 6.). Enter this number in paragraph (e)(1) of this AD and the airplane logbook.

8. If you keep the current winglet installation on your airplane, you must further reduce the safe life by dividing the adjusted safe life (result of 6.) by the winglet usage factor (result of 3.). Record this result in your airplane's logbook.

Example: Adjusted safe life is 7,393 hours ÷ winglet usage factor of 1.6 = 4,621 hours TIS.

9. If, at anytime in the future, you install or remove the Marburger winglet STC from your airplane, you must repeat the procedures in this Appendix.

Issued in Kansas City, Missouri, on April 10, 2006.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–3614 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–23590; Airspace Docket No. 06–ASO–2]

Establishment of Class D Airspace; Bay St. Louis, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace at Bay St. Louis, MS. A Federal contract tower with a weather reporting system is being constructed at the Stennis International Airport. Therefore, the airport will meet the criteria for establishment of Class D airspace. Class D surface area airspace is required when the control tower is open to contain existing Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action will establish Class D airspace extending upward from the surface, to and including 2,500 feet MSL, within a 4.2-mile radius of the airport.

DATES: *Effective Dates:* 0901 UTC, June 8, 2006.

FOR FURTHER INFORMATION CONTACT: Mark D. Ward, Manager, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On February 28, 2006, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class D airspace at Bay St. Louis, MS, (71 FR 9981). This action provides adequate Class D airspace for IFR operations at Stennis International Airport. Designations for Class D Airspace are published in paragraph 5000 of FAA Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Five commenters advised that Diamondhead Airport, MS, is contained within the proposed Class D airspace area. A 1-mile radius cutout around the Diamondhead Airport, MS, excludes the airport from the Class D airspace and provides egress from and ingress to the airport from the east.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class D airspace at Bay St. Louis, MS.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

ASO MS D Bay St. Louis, MS [NEW]

Stennis International Airport, MS
(Lat. 30°22′04″ N, long. 89°27′17″ W)
Diamondhead Airport, MS
(Lat. 30°21′47″ N, long. 89°23′16″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.2-mile radius of the Stennis International Airport; excluding that airspace with a 1-mile radius of Diamondhead Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on March 31, 2006.

Mark D. Ward,

Acting Area Director, Air Traffic Division, Southern Region.

[FR Doc. 06–3622 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–24285; Airspace Docket No. 06–ASO–4]

Removal of Class E Airspace; Paducah Farrington Airpark, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes the Class E5 Airspace at Paducah Farrington Airpark, KY, as there is no longer a Standard Instrument Approach Procedure (SIAP) for Paducah Farrington Airpark requiring Class E5 airspace.

DATES: *Effective Dates:* 0901 UTC, August 3, 2006.

FOR FURTHER INFORMATION CONTACT: Mark D. Ward, Manager Airspace and Operations Branch, Eastern En Route and Oceanic Service Area, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

The VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) SIAP for Paducah Farrington Airpark has been canceled. Therefore, the Class E5 airspace area must be removed. This rule will become effective on the date specified in the **DATES** section. Since this action eliminates the impact of controlled airspace on users of the airspace in the vicinity of the Paducah Farrington Airpark, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes Class E5 airspace at Paducah Farrington Airpark, KY.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation

Administration Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO KY E5 Paducah Farrington Airpark, KY [REMOVE]

* * * * *

Issued in College Park, Georgia, on March 31, 2006.

Mark D. Ward,

Acting Area Director, Air Traffic Division, Southern Region.

[FR Doc. 06–3623 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30489; Amdt. No. 3162]

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and/or Weather Takeoff Minimums for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 17, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 2006.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP and Weather Takeoff Minimums copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs and Weather Takeoff Minimums mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14 of the Code of Federal Regulations, part 97 (14 CFR part 97), establishes, amends, suspends, or revokes SIAPs and/or Weather Takeoff Minimums. The complete regulatory description of each SIAP and/or Weather Takeoff Minimums is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, 8260–5 and 8260–15A. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs and/or Weather Takeoff Minimums, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs and/or Weather Takeoff Minimums but refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP and/or Weather Takeoff Minimums contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs and/or Weather Takeoff Minimums. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and/or Weather Takeoff Minimums as contained in the transmittal. Some SIAP and/or Weather Takeoff Minimums amendments may have been previously issued by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP, and/or Weather Takeoff Minimums amendments may require making them effective in less than 30 days. For the remaining SIAPs and/or Weather Takeoff Minimums, an effective date at least 30 days after publication is provided.

Further, the SIAPs and/or Weather Takeoff Minimums contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and/or Weather Takeoff Minimums, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and/or Weather Takeoff Minimums and safety in air commerce, I find that notice and public procedure before adopting these SIAPs and/or Weather Takeoff Minimums are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs and/or Weather Takeoff Minimums effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on April 7, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, under Title 14, Code of Federal Regulations, part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and Weather Takeoff Minimums effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

** * * Effective 08 June 2006*

Lake Havasu City, AZ, Lake Havasu City, Takeoff Minimums and Textual DP, Amdt 1
Colorado Springs, CO, City of Colorado Springs Muni, RNAV (GPS) RWY 17R, Amdt 1
Deland, FL, Deland Muni-Sidney H. Taylor Field, RNAV (GPS) RWY 5, Orig
Deland, FL, Deland Muni-Sidney H. Taylor Field, RNAV (GPS) RWY 12, Orig
Deland, FL, Deland Muni-Sidney H. Taylor Field, RNAV (GPS) RWY 30, Orig
Deland, FL, Deland Muni-Sidney H. Taylor Field, GPS RWY 5, Orig–A, CANCELLED
Deland, FL, Deland Muni-Sidney H. Taylor Field, GPS RWY 12, Orig–A, CANCELLED
Deland, FL, Deland Muni-Sidney H. Taylor Field, Takeoff Minimums and Textual DP, Amdt 3
Gainesville, FL, Gainesville Rgnl, Takeoff Minimums and Textual DP, Amdt 1
Milton, FL, Peter Prince Field, RADAR–1, Orig, CANCELLED
Pensacola, FL, Pensacola Regional, RADAR–1, Amdt 3A, CANCELLED
Salmon, ID, Lemhi County, RNAV (GPS)–C, Orig–A
Saginaw, MI, Saginaw County H.W. Browne, RNAV (GPS) RWY 9, Orig
Saginaw, MI, Saginaw County H.W. Browne, RNAV (GPS) RWY 27, Amdt 1
Whitefield, NH, Mount Washington Regional, LOC/NDB RWY 10, Amdt 6
Whitefield, NH, Mount Washington Regional, RNAV (GPS) RWY 10, Amdt 1
Wildwood, NJ, Cape May County, RNAV (GPS) RWY 19, Orig
Wildwood, NJ, Cape May County, VOR/DME RNAV OR GPS RWY 19, Amdt 6B, CANCELLED
Medford, OR, Rogue Valley International-Medford, VOR–A, Amdt 4
Bonham, TX, Jones Field, RNAV (GPS) RWY 17, Amdt 1
Bonham, TX, Jones Field, VOR/DME RWY 17, Amdt 1
Del Rio, TX, Del Rio Intl, LOC RWY 13, Amdt 2
Del Rio, TX, Del Rio Intl, NDB RWY 13, Amdt 1
Del Rio, TX, Del Rio Intl, VOR–A, Amdt 1
Del Rio, TX, Del Rio Intl, VOR/DME–B, Amdt 1
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 14, Orig
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 17L, Orig
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 17R, Orig
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 35L, Orig
Laredo, TX, Laredo Intl, NDB RWY 17L, Amdt 3
Laredo, TX, Laredo Intl, NDB RWY 17R, Amdt 10
Laredo, TX, Laredo Intl, VOR/DME OR TACAN RWY 14, Amdt 10
Port Aransas, TX, Mustang Beach, RNAV (GPS) RWY 12, Orig
Port Aransas, TX, Mustang Beach, RNAV (GPS) RWY 30, Orig
Port Aransas, TX, Mustang Beach, Takeoff Minimums and Textual DP, Orig
Brigham City, UT, Brigham City, RNAV (GPS) RWY 34, Orig
Brigham City, UT, Brigham City, GPS RWY 34, Orig, CANCELLED
Highgate, VT, Franklin County State, RNAV (GPS) RWY 1, Amdt 2
Richland, WA, Richland, RNAV (GPS) RWY 19, Orig
Richland, WA, Richland, RNAV (GPS) RWY 26, Orig
Richland, WA, Richland, LOC RWY 19, Amdt 6
Richland, WA, Richland, NDB RWY 19, Amdt 6
Richland, WA, Richland, VOR RWY 26, Amdt 7
Richland, WA, Richland, VOR/DME–A, Amdt 6
Richland, WA, Richland, Takeoff Minimums and Textual DP, Amdt 7
Huntington, WV, Tri-State/Milton J. Ferguson Field, NDB RWY 12, Amdt 18
Huntington, WV, Tri-State/Milton J. Ferguson Field, RNAV (GPS) RWY 12, Orig
Fond Du Lac, WI, Fond Du Lac County, RNAV (GPS) RWY 36, Orig
Fond Du Lac, WI, Fond Du Lac County, GPS RWY 36, Orig–B, CANCELLED

** * * Effective 03 August 2006*

Doylestown, PA, Doylestown, NDB RWY 23, Amdt 2B, CANCELLED

[FR Doc. 06–3560 Filed 4–14–06; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30490; Amdt. No. 3163]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 17, 2006. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 2006.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave., SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For

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

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) amends Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260, as modified by the the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), which is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Code of Federal Regulations. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on April 7, 2006.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
03/23/06	PA	PHILIPSBURG	MID-STATE	6/3793	ILS RWY 16, AMDT 6A.
03/24/06	ME	BAR HARBOR	HANCOCK COUNTY-BAR HARBOR	6/3910	ILS RWY 22, AMDT 4.
03/24/06	NV	LAS VEGAS	MCCARRAN INTL	6/3959	ILS OR LOC/DME RWY 1L, ORIG.
03/30/06	AR	ROGERS	ROGERS MUNICIPAL-CARTER FIELD.	6/4339	ILS OR LOC RWY 19, AMDT 3A.
03/30/06	AR	ROGERS	ROGERS MUNICIPAL-CARTER FIELD.	6/4343	VOR/DME RWY 19, AMDT 10A.
03/30/06	AR	ROGERS	ROGERS MUNICIPAL-CARTER FIELD.	6/4344	VOR RWY 1, AMDT 13B.

FDC date	State	City	Airport	FDC No.	Subject
03/30/06	AR	ROGERS	ROGERS MUNICIPAL-CARTER FIELD.	6/4348	NDB RWY 19, AMDT 1.
03/31/06	MO	ST LOUIS	LAMBERT-ST LOUIS INTL	6/4427	ILS RWY 30L, AMDT 11A.
04/05/06	AZ	GRAND CANYON	GRAND CANYON NATIONAL PARK	6/4629	RNAV (GPS) RWY 3, ORIG.
04/05/06	AZ	GRAND CANYON	GRAND CANYON NATIONAL PARK	6/4628	VOR RWY 3, AMDT 5.
04/05/06	AZ	GRAND CANYON	GRAND CANYON NATIONAL PARK	6/4626	ILS OR LOC/DME RWY 3, ORIG–A.

[FR Doc. 06–3561 Filed 4–14–06; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 3280

[Docket No. FR–4886–C–03]

RIN 2502–AI12

Manufactured Home Construction and Safety Standards Technical Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; technical correction.

SUMMARY: On November 30, 2005, HUD published a final rule amending the Federal Manufactured Home Construction and Safety Standards (the Construction and Safety Standards). This document makes a number of technical corrections to the November 30, 2005, final rule.

DATES: *Effective Date:* The final rule effective date of May 30, 2006, and the incorporation by reference date of May 30, 2006, as approved by the Director of the Federal Register, continue to apply.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Associate Deputy Assistant Secretary, Office of Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9162, Washington, DC 20410; telephone (202) 708–6401 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8389.

SUPPLEMENTARY INFORMATION: On November 30, 2005 (70 FR 72024), HUD published a final rule to amend the Construction and Safety Standards. The final rule, at 24 CFR 3280.305 and 3280.504, included listings of counties subject to those sections. This document makes editorial corrections to those listings, for example, to include counties inadvertently omitted.

Specifically, in the table of states and counties deemed to be within the Middle Roof Load Zone under § 3280.305(c)(3)(i)(B), ''Crawford'' is removed from the list of counties for Iowa and added to the list of counties for Michigan; ''St. Croix'' is removed from the list of counties for Minnesota and added to the list of counties for Wisconsin; ''Doon'' in the list of counties for Wisconsin is corrected to read ''Door;'' ''Mackinaw'' in the list of counties for Michigan is corrected to read ''Mackinac;'' and Coos, Grafton, Carroll, Chitten, Bellnap, Strafford, Merrimack, Sullivan, Rockingham, Hillsborough, and Chesire are deleted from the list of counties for New Hampshire and are replaced by the phrase, ''All Counties.''

In addition, this document makes two conforming corrections in § 3280.801 to references to the edition of the National Electrical Code adopted by the November 30, 2005, final rule.

■ Accordingly, FR Doc. 05–23387, Manufactured Home Construction and Safety Standards, (FR–4663-N–02), published in the **Federal Register** on November 30, 2005 (70 FR 72024), is corrected as follows:

§ 3280.305 [Amended]

■ 1. On pages 72044 and 72045, the table of states and counties deemed to be within the Middle Roof Load Zone under § 3280.305(c)(3)(i)(B), is revised to read as follows:

States	Counties			
South Dakota	Grant	Brookings	Hanson	Lincoln
	Codington	Miner	Minnehaha	Yankton
	Deuel	Lake	Hutchinson	Union
	Hamlin	Moody	Turner	Clay
	Kingsbury	McCook		
Minnesota	Koochiching	Stearns	Renville	Sibley
	Itasca	Swift	McLeod	Nicollet
	Hubbard	Kandiyohi	Carver	Blue Earth
	Cass	Meeker	Dakota	Martin
	Crow Wing	Wright	Goodhue	Watonwan
	Aitkin	Lac qui Parle	Wabasha	Brown
	St. Louis	Chippewa	Winona	Redwood
	Lake	Yellow Medicine	Fillmore	Lyon
	Cook	Mille Lacs	Mower	Lincoln
	Carlton	Kanabec	Olmsted	Pipestone
	Pine	Benton	Dodge	Murray
	Wadena	Isanti	Rice	Cottonwood
	Todd	Sherburne	Steele	Jackson
	Morrison	Anoka	Freeborn	Nobles
	Douglas	Chisapo	Faribault	Rock
	Grant	Washington	Waseca	
	Stevens	Hennepin	Le Sueur	
	Pope	Ramsey	Scott	
Iowa	Hancock	Mitchell	Hamilton	Buena Vista

States	Counties			
	Lyon	Howard	Webster	Cherokee
	Osceola	Chickasaw	Calhoun	Plymouth
	Dickinson	Butler	Sac	Sioux
	Emmet	Floyd	Ida	O'Brien
	Kossuth	Cerro Gordo	Humboldt	Clay
	Winnebago	Franklin	Pocahontas	Wright
	Worth	Hardin	Palo Alto	
Wisconsin	Douglas	Oconto	Pepin	Lincoln
	Bayfield	Menominee	Pierce	Oneida
	Ashland	Langlade	Dunn	Polk
	Iron	Marathon	Eau Claire	Burnett
	Vilas	Clark	Chippewa	Washburn
	Forest	Jackson	Rusk	Sawyer
	Florence	Trempealeau	Barron	Price
	Marinette	Buffalo	Taylor	Door
	St. Croix			
Michigan	Houghton	Iron	Presque Isle	Wexford
	Baraga	Dickinson	Charlevoix	Benzie
	Marquette	Menominee	Montmorency	Grand Traverse
	Alger	Delta	Alpena	Kalkaska
	Luce	Schoolcraft	Alcona	Oscoda
	Chippewa	Mackinac	Ogemaw	Otsego
	Keweenaw	Cheyboygan	Roscommon	Leelanau
	Ontonagon	Emmet	Missaukee	Antrim
	Gogebic	Crawford		
New York	St. Lawrence	Herkimer	Onondaga	Genesee
	Franklin	Lewis	Madison	Orleans
	Clinton	Oswego	Cayuga	Niagara
	Essex	Jefferson	Seneca	Erie
	Hamilton	Oneida	Wayne	Wyoming
	Warren	Fulton	Ontario	Monroe
	Saratoga	Montgomery	Yates	
	Washington	Schenectady	Livingston	
Massachusetts	Essex			
Maine	Franklin	Kennebec	Lincoln	Cumberland
	Oxford	Androscoggin	Sagadahoc	York
Montana	All Counties			
Idaho	All Counties			
Colorado	All Counties			
Wyoming	All Counties			
Utah	All Counties			
Vermont	Franklin	Orleans	Caledonia	Addison
	Grand Isle	Essex	Washington	Rutland
	Lamoille	Chittenden	Orange	Windsor
New Hampshire	All Counties			

§ 3280.504 [Amended]

■ 2. On page 72047, in the second column, add ''Marion'' in alphabetical order to the list of counties under the heading ''Mississippi'' in § 3280.504(b)(5).

§ 3280.607 [Amended]

■ 3. On page 72049, in the second column, revise § 3280.607(c)(6)(iv) to read as follows: ''(iv) Electrical. Wiring must comply with Articles 680.70, 680.71, and 680.72 of the National Electrical Code, NFPA No. 70–2005.''

§ 3280.801 [Amended]

■ 4. On page 72051, in the second column, revise § 3280.801(a) to read as follows: ''(a) Subpart I of this part and Part II of Article 550 of the National Electrical Code (NFPA No. 70–2005) cover the electrical conductors and equipment installed within or on manufactured homes and the conductors that connect manufactured homes to a supply of electricity.''

■ 5. On page 72051, in the second column, revise the first sentence of § 3280.801(b) to read as follows: ''(b) In addition to the requirements of this part and Part II of Article 550 of the National Electrical Code (NFPA No. 70–2005), the applicable portions of other Articles of the National Electrical Code must be followed for electrical installations in manufactured homes.''

Dated: April 6, 2006.

Brian D. Montgomery,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 06–3646 Filed 4–14–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC57

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Incident Reporting Requirements

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This final rule revises the MMS requirements for reporting incidents associated with Outer Continental Shelf (OCS) oil and gas and sulphur operations. The revisions will clarify the requirements, and provide more precise definitions and reporting timeframes. This will result in a more consistent incident reporting program and the collection of more reliable incident information.

DATES: Effective Date: This rule becomes effective on July 17, 2006.

FOR FURTHER INFORMATION CONTACT: Richard Ensele, Rules and Standards Branch, (703) 787–1583.

SUPPLEMENTARY INFORMATION: On July 8, 2003, MMS published a Notice of Proposed Rulemaking (68 FR 40585), titled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Incident Reporting Requirements.'' The proposed rule had an initial 90-day comment period that was extended by 60 days (68 FR 44910, July 31, 2003) to December 5, 2003. The proposed rule addressed amendments to MMS' regulations related to reporting accidents and other incidents on platforms and other facilities on oil and gas and sulphur leases and related rights-of-way on the OCS.

Comments on the Proposed Rule

We received 19 sets of comments on the proposed rule. Three of the commenters were industry trade organizations (Offshore Operators Committee (OOC), International Association of Drilling Contractors (IADC), and National Ocean Industries Association (NOIA)). We also received comments from one individual, two drilling contractors, ten operators, and one consultant. All of the comments received are available for review on the MMS Web site at: *http://www.mms.gov/federalregister/PublicComments/rulecomm.htm.*

Most of the commenters stated that the proposed rule was overly prescriptive and burdensome to the industry and MMS. In addition, most commenters expressed concern that MMS and the U.S. Coast Guard (USCG) were not making a sufficient effort to coordinate incident reporting. First, in this final rule we have scaled back most of the requirements contained in the proposed rule that the commenters asserted were overly burdensome. With regard to the second issue raised in these comments, this final rule addresses only MMS' incident reporting requirements regarding incidents that occur during OCS oil and gas operations. However, MMS allows the operator to submit USCG forms where they contain all the information required in these regulations. In addition, we will continue to work with the USCG to coordinate our incident reporting requirements.

In addition, the OOC commented that MMS does not say how the information collected by this rule will be used. Among other uses, the information required by the final rule will be used by MMS in:

- Considering regulatory changes,
- Determining research studies,
- Identifying unsafe procedures,
- Working with industry to develop standards,
- Compiling accident statistics and trend analyses,
- Deciding which incidents are serious enough to form an accident investigation panel,
- Preparing operator performance statistics, and
- Evaluating Safety Award for Excellence (SAFE) candidates.

One commenter stated that the proposed regulations did not go far enough in reporting information concerning occupational safety. This commenter recommended that MMS require all employers to report occupational injuries and illnesses in accordance with criteria identical to those of the Occupational Safety and Health Administration (OSHA). There are employers on the OCS other than lessees and operators. This regulation, however, applies only to lessees and operators on the OCS. The regulations require the lessees and operators to report all pertinent incidents, regardless of whose employees were involved. The OSHA reporting requirements contain information that MMS does not need to perform its mission. We are requiring the reporting of only the information we need to oversee the OCS program.

Several commenters, including the OOC, objected to the multiple timeframes for verbal and written reporting of incidents as being too complicated and burdensome. We agree with these comments, and have revised the rule to require immediate reporting of certain incidents via oral communication, with a written follow-up within 15 calendar days. In addition, the rule requires written reporting of certain less severe incidents within 15 calendar days. We have also eliminated the reporting forms contained in the proposed rule. This final rule allows the reporting company to use its own format for the written report, or a form prepared for another agency, as long as the required information is included.

The proposed rule required that written reports be submitted electronically. We have dropped that requirement. The final rule does not specify or mention any method. You may submit written reports in whatever manner (mail, courier, personal delivery, fax, or e-mail) you choose. MMS may consider electronic submittal of information in future rulemaking.

Several commenters, including the OOC, stated that the personnel injury categories in the proposed rule were not realistic for reporting purposes, and that they were too subjective. We agree with these comments, and have simplified the categories. This rule requires the immediate reporting of all injuries that require the evacuation of the injured person(s) from the facility to shore or to another offshore facility. A written follow-up report within 15 calendar days is required for any injury that results in days away from work, restricted work, or job transfer.

In addition, the OOC and others expressed concern that the proposed rule may conflict with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) in that it may require employee health information to be disclosed. We agree with these concerns. This rule does not require that any employee identification information be reported to MMS. When a reportable injury occurs, this rule requires that the operator/lessee report the following:

- Date and time of occurrence,
- Operator and operator's representative name and telephone number,
- Contractor and contractor's representative name and telephone number,
- Lease number, OCS area, and block,
- Platform/facility name and number,
- Type of incident or injury/fatality,

• Operation or activity at time of incident, and

• Description of the incident, damage, or injury/fatality.

None of these items requires employee health information to be disclosed. MMS does not need any personal information, including the identification of any injured personnel.

The OOC submitted comments concerning the definitions in the proposed rule. The definitions in the proposed rule were part of the reason for the complexity of that rule. By simplifying the rule, we have eliminated most of those definitions. The definitions in this rule are contained in the sections where the terms appear. We defined the terms ''loss of well control'', ''structural damage'', ''collision'', and ''property damage.'' The definition of ''loss of well control'' has been modified from the proposed rule to clarify that all flows through a diverter are to be reported. The definition of ''structural damage'' is new. The definition of ''collision'' was added so that only those collisions occurring at a facility be reported. We simplified the definition of ''property damage'' for those incidents requiring an estimate of the damage amount.

The OOC suggested that the phrase ''issued by MMS'' be added after the term ''permit'' in proposed § 250.187(a)(1) (§ 250.187(b) in the final rule) to clarify that the requirement applies only to operations conducted under MMS permitted activities. We agree with this suggestion and have inserted the phrase. In addition, the OOC suggested that MMS accept USCG reports when duplicative reports are required. MMS agrees that the operator may submit USCG forms to MMS if they contain all of the information required in these regulations. We have changed the rule accordingly.

The OOC commented on the definition of Loss of Well Control. OOC indicated that planned well fluid flows through the diverter systems are not unexpected or uncontrolled flows. OOC does not consider these events to be a loss of well control and recommended that planned flows through the diverter not be reported. Planned flows through the diverter system are not authorized by Federal regulations. The use of the diverter system is for responding to unexpected well conditions and minimizing the risk of fires or wellbore cratering so that personnel can evacuate safely. A well that is flowing to the atmosphere is not ''controlled.'' We have modified the definition to clarify that all incidents involving flow through a diverter are to be reported.

The proposed rule maintained the current MMS requirement to report H_2S releases that result in a 15-minute-time-weighted average atmospheric concentration of H_2S of 20 parts per million (ppm) or more. The OOC commented that ''While we recognize that this is a current requirement in 30 CFR 250.490(l), it is unclear how the operator determines that a 15-minute time-weighted average atmospheric concentration of H_2S of 20 ppm or more occurs.'' We did not make any changes to the rule as a result of this comment. Time weighted average is a recognized standard method for defining and measuring permissible exposure limits to ensure the safety of personnel. Because of the extreme toxicity of H_2S, detection and monitoring equipment on a facility must be capable of alerting personnel of sustained atmospheric concentrations of 20 ppm. Operators who have further questions about determining H_2S concentrations to meet this requirement may contact the appropriate District office for guidance.

The requirement to report these H_2S releases applies only to areas that have been classified ''H_2S present'' or ''H_2S unknown'' as defined by the approved area classification required by § 250.490(c). These areas are required to have H_2S sensors for measuring atmospheric H_2S concentrations.

The proposed rule would have required the reporting of any unintentional release of gas at an OCS facility that could, without corrective action, raise hydrocarbon or other gas concentrations to the lower flammable (explosive) limit. Gas releases do not include events where gas is successfully released through the vent or flare system. The OOC commented that it would not be clear how the operator is to determine if an unintentional release could raise the concentration to the lower explosive limit. They went on to say that the gas detectors in certain areas of the platform would cause the system to shut-in if the lower explosive limit concentration was reached in those areas. They also said that those shut-in incidents could be reported to MMS, but that would be burdensome on both industry and MMS, and serve no purpose in improving safety on platforms. We have simplified the regulation to require the reporting of those gas releases resulting in equipment or process shut-in. We disagree that this information would serve no purpose in improving safety on platforms. OCS platforms have numerous sources of ignition, and there are many small fires reported on these facilities. Small fires have the potential to become major incidents that could cause serious injuries or deaths. By collecting the information on gas releases that result in equipment or process shut-in, we can track the trends, and possibly decrease the number of gas releases.

The OOC commented on the proposed rule requirement to report incidents that involved personnel mustering for evacuation for reasons not related to weather. They indicated that in many cases, visitors or non essential personnel are required to report to the muster station whenever an alarm is sounded since they have no responsibilities in responding to the alarm. They recommended that a written report should only be required if personnel were actually evacuated. We agree that incidents where only visitors to the facility muster for evacuation should not be reported. We have reworded the requirement so that a written report is required when ''operations'' personnel muster for evacuation for reasons not related to weather and drills. This should eliminate the need to report incidents where visitors to the facility muster for evacuation or when personnel muster for non-emergency reasons.

Comparison of this Final Rule to the Current Regulation

The current regulation on accident reporting, § 250.191, requires operators, lessees, easement holders, pipeline right-of-way holders, and other permit holders to report all serious accidents, any death or serious injury, and all fires, explosions, and blowouts. This final rule broadens the scope of serious accidents and serious injuries to include those incidents that had the potential to be serious. MMS is requiring reporting down to this level to learn more about the causes of all incidents. MMS considers these less serious incidents to be the ''near misses'' that could have resulted in more serious consequences.

This final rule still requires the reporting of all deaths, fires, explosions, and blowouts. MMS considers the following incidents to be serious accidents or accidents that had the potential to be serious:

• Injuries that require the evacuation of the injured person(s) from the facility to shore or to another offshore facility (oral notification),

• Injuries that resulted in days away from work, restricted work, or job transfer (written report),

• Reportable releases of hydrogen sulfide (H_2S) gas, as defined in § 250.490(l),

• Incidents in which a vessel or helicopter collides with an OCS facility or another vessel at an OCS facility that

result in property or equipment damage greater than $25,000,

- Incidents involving structural damage to an OCS facility,
- Incidents involving cranes, personnel handling, or materials handling equipment,
- Incidents that damage or disable safety systems or safety equipment,
- Incidents that require operational personnel to muster for evacuation for reasons not related to weather or drills,
- Gas releases that initiate equipment or process shutdown, and
- Other incidents resulting in property or equipment damage greater than $25,000.

Some of the incidents described above are already reported by the industry. These incidents usually occur with other reportable incidents such as fatalities, injuries, fires, explosions, or blowouts. Our intent in requiring the reporting of all of these incidents is to catch the ''near misses'' that do not result in fatalities, injuries, fires, explosions, or blowouts, but that could have resulted in serious outcomes. We estimate that there could be an increase of up to 351 reports per year due to the new requirement to report the incidents listed above. This is based on the results of the Safety and Environmental Management Program (SEMP) voluntary performance measures reporting during the years 1996 through 2003 for injuries, and internal estimates for the other incidents listed above. During that period, the industry reported an average of 337 lost workday injury incidents per year. Therefore, we estimate that the first two items listed above (injuries that required evacuation from the facility, and injuries that resulted in days away from work, restricted work, or job transfer) could require up to 291 additional injury reports. We estimate that the other eight items listed above could require an additional 60 incident reports, bringing the total increase to 351 reports per year.

This final rule requires that injuries that resulted in days away from work, restricted work, or job transfer be reported to MMS. The current rule requires that only serious injuries be reported. This accounts for most of the increase in reportable incidents. Under the current regulation, industry has reported an average of 56 injuries per year over the past nine years. In many of the reported injuries there was insufficient information to assess the seriousness of the injury. This final rule requires a description of the injury so that MMS can assess the seriousness. In addition to the ten items listed above, this rule requires a written report of all injuries that resulted in time away from work, restricted work, or job transfer.

We estimate that there will be a very minor increase in the number of loss of well control incidents (blowouts) reported due to this rule. The term had never been defined in the regulations before. There are very few of these incidents each year.

Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule, and is not subject to review by the Office of Management and Budget under Executive Order 12866.

a. This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The rule will require additional reporting of incidents by operators and pipeline right-of-way holders, but the financial effect will be well under the threshold listed above. In the proposed rule, we estimated that start up costs for electronic reporting of incidents would be approximately $491,000. We dropped that proposed provision, so that estimated cost no longer applies. See the analysis below under Regulatory Flexibility Act for specific information on estimated costs of compliance.

b. This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule addresses MMS' incident reporting requirements only. It will have no effect on any other agency. The MMS and the USCG attempted to coordinate overlapping incident reporting requirements, but were unsuccessful. We will continue efforts to coordinate with the USCG, and if successful, will propose new requirements at that time.

c. This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. The rule only addresses incident reporting for oil and gas and sulphur operations on the OCS.

d. This rule does not raise novel legal or policy issues. Current regulations require the reporting of accidents that occur during oil and gas and sulphur operations on the OCS. This rule provides definition to and clarifies the current requirements. The current requirements overlap somewhat with USCG requirements for incident reporting. This rule will continue that overlap. The MMS will continue to work with the USCG to eliminate the duplicative reporting. This rule may be revised if the two agencies agree on a joint rulemaking to eliminate the overlap.

Regulatory Flexibility Act (RFA)

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities as defined under the RFA (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

This rule applies to all lessees/operators and pipeline right-of-way holders operating on the OCS. Lessees/operators fall under the Small Business Administration's North American Industry Classification System (NAICS) code 211111, Crude Petroleum and Natural Gas Extraction. Under this NAICS code, companies with less than 500 employees are considered small businesses. MMS estimates that 130 lessees/operators explore for and produce oil and gas on the OCS; approximately 70 percent of them (91 companies) fall into the small business category.

A pipeline company (non-producer) is a small entity if it is a liquid pipeline company with fewer than 1,500 employees, or a natural gas pipeline company with gross annual receipts of $25 million or less. MMS's database indicates that there are 88 pipeline right-of-way holders who do not own an interest in any oil and gas leases on the OCS. Fifty-seven of these companies are either major energy companies (large oil and gas or pipeline transmission companies), or wholly owned subsidiaries of these companies. Another 13 entities were either formed by partnerships among major producers and transporters or have ''arms-length'' contractual relationships with several major producers on the OCS for which they provide transportation services. It is our understanding that in such relationships one of the major partners usually serves as the ''managing partner'' of the entity so that the entity (whether a partnership or a corporation) is not actually independent in the usual sense. The remaining 18 entities could be categorized as small independent pipeline companies in the sense that they provide transportation services for several non-major oil or gas producers with which they have an ''arms-length'' but symbiotic business relationship. These companies are represented by NAICS code 213112, ''Support Activities for Oil and Gas Operations.'' Thus, there are 218 companies affected

by this final rule, of which 109 would be considered small businesses. This final rule does not include any recordkeeping requirements.

Under current incident reporting rules, the industry reported 411 incidents during the two-year period 2003 through 2004. That works out to fewer than 18 incidents reported each month by the entire industry. During that two-year period, the highest number of incidents reported by one company was 47, or approximately 2 per month. That company is a major oil and gas producer, not a small business.

As a result of requiring the reporting of less serious incidents in this final rule we estimate that an additional 351 incidents could be reported each year. This would result in an additional 30 incidents reported each month by the entire industry. Spread over the entire industry, the increase is not significant. Based on these numbers, incident reporting requirements do not impose much of a burden on the industry. Therefore, this rule will not have a significant economic impact.

Comments from the public are important to us. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the actions of MMS, call 1–888–REG–FAIR (1–888–734–3247). You may comment to the Small Business Administration without fear of retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with the Department of the Interior.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under (5 U.S.C. 804(2)) the SBREFA. This rule:

a. Does not have an annual effect on the economy of $100 million or more. Costs to comply with this rule involve oral notifications of incidents with follow-up written reports. These costs are minor in comparison with the costs to conduct operations on the OCS. This rule will result in an increase in the number of notifications and reports. See the discussions above under ''Regulatory Planning and Review'' and ''Regulatory Flexibility Act.''

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The minor costs involved in complying with these revised reporting requirements will not change the way the oil and gas industry conducts business, nor will it affect regional oil and gas prices.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. All lessees, operators, and pipeline right-of-way holders, regardless of nationality, will have to comply with the reporting requirements of this rule.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. This rule revises incident reporting regulations for oil and gas and sulphur operations on the OCS. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings Implications Assessment (Executive Order 12630)

According to Executive Order 12630, the rule does not have significant Takings Implications. A Takings Implication Assessment is not required. This rule revises existing incident reporting regulations. It does not prevent any lessee, operator, or pipeline right-of-way holder from performing operations on the OCS.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and state governments. It applies to lessees, operators, and pipeline right-of-way holders on the OCS. This rule does not impose costs on states or localities. Any costs will be the responsibility of the lessees, operators, or pipeline right-of-way holders.

Civil Justice Reform (Executive Order 12988)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act (PRA) of 1995

This rulemaking contains information collection (IC) requirements that were submitted to OMB during the proposed rulemaking according to section 3507(d) of the PRA. OMB did not assign a control number to the requirements at that time. The final regulations do contain minor changes in the collection of information from what was proposed. The proposed rulemaking had two (2) new forms associated with it. Due to comments received, which strongly opposed these two forms and their complicated requirements, this final rule completely restructures the requirements that were proposed and eliminates the forms. We now ask that respondents submit oral or written reports, depending on the requirement. The rule allows respondents to choose the format for transmission of the information. We also discussed in the notice of proposed rulemaking one-time costs to modify respondents' incident reporting systems to incorporate the new requirements. Since those requirements have been dropped, the non-hour cost burdens no longer apply. We received no comments on the burden hours. Therefore, we resubmitted the information collection to OMB and received approval under OMB Control Number 1010–0165, expiration March 31, 2009.

As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites the public and other Federal agencies to comment on any aspect of the reporting and recordkeeping burden. You may submit your comments on the information collection aspects of this rule directly to the Rules Processing Team (RPT), Attn: Comments; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ''Incident Reporting Requirements—AC57'' in your comments. You may obtain a copy of the supporting statement for the new collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208–7744.

The PRA (44 U.S.C. 3501, *et seq.*) provides that 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 title of the collection of information for this final rule is ''30 CFR part 250, Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Incident Reporting Requirements.'' Respondents include approximately 218 Federal OCS oil and gas or sulphur lessees and pipeline rights-of-way holders. The frequency of response depends upon the requirement. The information collection (IC) does not include questions of a sensitive nature. Responses to this

collection of information are mandatory. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and requirements under 30 CFR 250.196, ''Data and information to be made available to the public.''

The final regulations convert into plain language and restructure the requirements for Incident Reporting in the OCS. The approved information collection for this final rule will incorporate two new information collection burdens pertaining to notification requirements into the primary collection of 30 part CFR part 250 subpart A (OMB Control Number 1010–0114), and one new information collection burden pertaining to H_2S release that will be merged into the primary collection for 30 CFR part 250 subpart D (OMB Control Number 1010–0141), when the final regulations take effect. MMS will collect the information to obtain knowledge of equipment, procedures, and circumstances involved in OCS incidents. MMS will use the information to identify OCS incident causes and trends in order to improve safety on the OCS through regulation, performance standards, research, and cooperative initiatives with industry.

We estimate the total annual paperwork ''hour'' burden for the final rule to be 2,443 hours. Following is a breakdown of the hour burden estimate.

Citation 30 CFR part 250	Reporting requirement	Hour burden	Average number of annual responses	Annual burden hours
Subpart A				
250.187	Report all spills of oil or other liquid pollutants	Burden covered under 1010–0091.		0 \
187; 188(a); 189; 190(c)	Report to the District Manager immediately via oral communication and written follow-up within 15 calendar days, incidents pertaining to: fatalities; injuries; loss of well control; fires; explosions; all collisions resulting in property or equipment damage >$25K; structural damage to an OCS facility; cranes; incidents that damage or disable safety systems or equipment (including fire-fighting systems).	Oral 0.2	491	99 (rounded)
		Written 4	491	1,964
250.188(a)(5)	Report to District Manager hydrogen sulfide (H_2S) gas releases immediately by oral communication.	Oral burden covered under 1010–0141.		0
188(b); 190(a), (b);	Provide written report to the District Manager within 15 calendar days after incidents relating to: injuries that result in 1 or more days away from work, on restricted work, or job transfer; gas releases that initiate equipment or process shutdown; property or equipment damage >$25K; operations personnel to muster for evacuation not related to weather or drills; any additional information required.	4	35	140
Subpart D				
250.490(l)	Report to the District Manager hydrogen sulfide (H_2S) gas releases immediately by oral communication and follow-up within 15 days with a written report.	Oral burden covered under 1010–0141.		0
		Written 4	60	240
Total Reporting			1,077	2,443

National Environmental Policy Act (NEPA) of 1969

MMS analyzed this rule using the criteria of the NEPA and 516 Department Manual, Chapter 2, and concluded that the preparation of an environmental analysis which would result in the issuance of a Finding of No Significant Impact or the preparation of an environmental impact statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf; Environmental impact statements; Government contracts; Investigations; Oil and gas exploration; Penalties; Pipelines; Public lands—mineral resources; Public lands—rights-of-way; Reporting and recordkeeping requirements; Sulphur.

Dated: October 28, 2005.

Chad Calvert,

Acting Assistant Secretary—Land and Minerals Management.

■ For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*; 31 U.S.C. 9701.

§ 250.190 [Redesignated]

■ 2. Section 250.190 is redesignated as § 250.186.

■ 3. New §§ 250.187 through 250.190 are added to read as set forth below:

§ 250.187 What are MMS' incident reporting requirements?

(a) You must report all incidents listed in § 250.188(a) and (b) to the District Manager. The specific reporting requirements for these incidents are contained in §§ 250.189 and 250.190.

(b) These reporting requirements apply to incidents that occur on the area covered by your lease, right-of-use and easement, pipeline right-of-way, or other permit issued by MMS, and that are related to operations resulting from the exercise of your rights under your lease, right-of-use and easement, pipeline right-of-way, or permit.

(c) Nothing in this subpart relieves you from making notifications and reports of incidents that may be required by other regulatory agencies.

(d) You must report all spills of oil or other liquid pollutants in accordance with 30 CFR 254.46.

§ 250.188 What incidents must I report to MMS and when must I report them?

(a) You must report the following incidents to the District Manager immediately via oral communication, and provide a written follow-up report (hard copy or electronically transmitted) within 15 calendar days after the incident:

(1) All fatalities.

(2) All injuries that require the evacuation of the injured person(s) from the facility to shore or to another offshore facility.

(3) All losses of well control. ''Loss of well control'' means:

(i) Uncontrolled flow of formation or other fluids. The flow may be to an exposed formation (an underground blowout) or at the surface (a surface blowout):

(ii) Flow through a diverter; or

(iii) Uncontrolled flow resulting from a failure of surface equipment or procedures.

(4) All fires and explosions.

(5) All reportable releases of hydrogen sulfide (H_2S) gas, as defined in § 250.490(l).

(6) All collisions that result in property or equipment damage greater than $25,000. ''Collision'' means the act of a moving vessel (including an aircraft) striking another vessel, or striking a stationary vessel or object (*e.g.*, a boat striking a drilling rig or platform). ''Property or equipment damage'' means the cost of labor and material to restore all affected items to their condition before the damage, including, but not limited to, the OCS facility, a vessel, helicopter, or equipment. It does not include the cost of salvage, cleaning, gas-freeing, dry docking, or demurrage.

(7) All incidents involving structural damage to an OCS facility. ''Structural damage'' means damage severe enough so that operations on the facility cannot continue until repairs are made.

(8) All incidents involving crane or personnel/material handling operations.

(9) All incidents that damage or disable safety systems or equipment (including firefighting systems).

(b) You must provide a written report of the following incidents to the District Manager within 15 calendar days after the incident:

(1) Any injuries that result in one or more days away from work or one or more days on restricted work or job transfer. One or more days means the injured person was not able to return to work or to all of their normal duties the day after the injury occurred;

(2) All gas releases that initiate equipment or process shutdown;

(3) All incidents that require operations personnel on the facility to muster for evacuation for reasons not related to weather or drills;

(4) All other incidents, not listed in paragraph (a) of this section, resulting in property or equipment damage greater than $25,000.

§ 250.189 Reporting requirements for incidents requiring immediate notification.

For an incident requiring immediate notification under § 250.188(a), you must notify the District Manager via oral communication immediately after aiding the injured and stabilizing the situation. Your oral communication must provide the following information:

(a) Date and time of occurrence;

(b) Operator, and operator representative's, name and telephone number;

(c) Contractor, and contractor representative's name and telephone number (if a contractor is involved in the incident or injury/fatality);

(d) Lease number, OCS area, and block;

(e) Platform/facility name and number, or pipeline segment number;

(f) Type of incident or injury/fatality;

(g) Operation or activity at time of incident (*i.e.*, drilling, production, workover, completion, pipeline, crane, etc.); and

(h) Description of the incident, damage, or injury/fatality.

§ 250.190 Reporting requirements for incidents requiring written notification.

(a) For any incident covered under § 250.188, you must submit a written report within 15 calendar days after the incident to the District Manager. The report must contain the following information:

(1) Date and time of occurrence;

(2) Operator, and operator representative's name and telephone number;

(3) Contractor, and contractor representative's name and telephone number (if a contractor is involved in the incident or injury);

(4) Lease number, OCS area, and block;

(5) Platform/facility name and number, or pipeline segment number;

(6) Type of incident or injury;

(7) Operation or activity at time of incident (*i.e.*, drilling, production, workover, completion, pipeline, crane etc.);

(8) Description of incident, damage, or injury (including days away from work, restricted work or job transfer), and any corrective action taken; and

(9) Property or equipment damage estimate (in U.S. dollars).

(b) You may submit a report or form prepared for another agency in lieu of the written report required by paragraph (a) of this section, provided the report or form contains all required information.

(c) The District Manager may require you to submit additional information about an incident on a case-by-case basis.

■ 4. Section 250.191 is revised to read as set forth below.

§ 250.191 How does MMS conduct incident investigations?

Any investigation that MMS conducts under the authority of sections 22(d)(1) and (2) of the Act (43 U.S.C. 1348(d)(1) and (2)) is a fact-finding proceeding with no adverse parties. The purpose of the investigation is to prepare a public report that determines the cause or causes of the incident. The investigation may involve panel meetings conducted by a chairperson appointed by MMS. The following requirements apply to any panel meetings involving persons giving testimony:

(a) A person giving testimony may have legal or other representative(s) present to provide advice or counsel while the person is giving testimony. The chairperson may require a verbatim transcript to be made of all oral testimony. The chairperson also may accept a sworn written statement in lieu of oral testimony.

(b) Only panel members, and any experts the panel deems necessary, may address questions to any person giving testimony.

(c) The chairperson may issue subpoenas to persons to appear and provide testimony or documents at a panel meeting. A subpoena may not require a person to attend a panel meeting held at a location more than 100 miles from where a subpoena is served.

(d) Any person giving testimony may request compensation for mileage, and fees for services, within 90 days after the panel meeting. The compensated expenses must be similar to mileage and fees the U.S. District Courts allow.

■ 5. Section 250.490(l) is revised to read as set forth below.

§ 250.490 Hydrogen Sulfide

* * * * *

(l) *Do I need to notify MMS in the event of an H_2S release?* You must notify MMS without delay in the event of a gas release which results in a 15-minute time-weighted average atmospheric concentration of H_2S of 20 ppm or more anywhere on the OCS facility. You must report these gas releases to the District Manager immediately by oral communication, with a written follow-up report within

15 days, pursuant to §§ 250.188 through 250.190.

* * * * *

§ 250.513 [Amended]

■ 6. In § 250.513(d) remove the reference to ''§ 250.190'' and add in its place ''§ 250.186.''

§ 250.1102 [Amended]

■ 7. In § 250.1102(a)(9), (b)(8), and (b)(9), remove the reference to ''§ 250.190'' each time it appears and add in its place ''§ 250.186.''

§ 250.1617 [Amended]

■ 8. In § 250.1617(d) remove the reference to ''§ 250.190'' and add in its place ''§ 250.186.''

[FR Doc. 06–3611 Filed 4–14–06; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–06–031]

RIN 1625–AA08

Special Local Regulations for Marine Events; Martin Lagoon, Middle River, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the ''Baltimore County Community Waterfront Festival'', an event to be held May 13, 2006 at Martin Lagoon, Middle River, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Middle River waterfront to accommodate watercraft static displays, fire-rescue demonstrations and a fireworks display.

DATES: This rule is effective from 9 a.m. on May 13, 2006 until 10 p.m. on May 14, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05–06–031 and are available for inspection or copying at Commander (dpi), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: D. M. Sens, Project Manager, Vessel Compliance and Inspection Branch, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be impracticable and contrary to public interest since immediate action is needed to minimize potential danger to the public during the event. The necessary information to determine whether the marine event poses a threat to persons and vessels was not provided with sufficient time to publish an NPRM. The danger posed by the pyrotechnic display, and on the water fire-rescue demonstrations make special local regulations necessary to provide for the safety of spectator craft and other vessels transiting the event area. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction and on scene Coast Guard and local law enforcement assets will also provide notice to mariners.

Under 5 U.S.C. 553(d)(3) and for the same reasons, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, spectator craft and other vessels transiting the event area. However advance notifications will be made to users of Martin Lagoon via marine information broadcasts, local notice to mariners, commercial radio stations and area newspapers.

Background and Purpose

On May 13, 2006, Baltimore County will sponsor the ''Baltimore County Community Waterfront Festival''. Various watercraft static displays and fire-rescue demonstrations will be staged within Martin Lagoon. The fireworks display will be launched from Wilson Point Park but the hazardous fallout area will extend over Martin Lagoon. A fleet of spectator vessels is expected to gather near the event site to view the fireworks display. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of Martin Lagoon at Middle River, Maryland. The regulated area includes all waters of Martin Lagoon that are north of a line drawn from latitude 39°19′34″ N, 076°25′41″ W, thence to a position located at 39°19′33″ N, 076°25′33″ W. The temporary special local regulations will be in effect from 9 a.m. to 10 p.m. on May 13, 2006. If the marine event is postponed due to weather, then the temporary special local regulations will be enforced during the same time period on May 14, 2006. The effect will be to restrict general navigation in the regulated area during the marine event and fireworks display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the enforcement period. The Patrol Commander will notify the public of specific enforcement times by Marine Radio Safety Broadcast. These regulations are needed to control vessel traffic during the event to enhance the safety of spectators and transiting vessels.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation restricts vessel traffic from transiting Martin Lagoon during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts and area newspapers 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 rule would have a significant economic impact on a

substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit Martin Lagoon during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for only a short period, from 9 a.m. to 10 p.m. on May 13, 2006 (or 9 a.m. to 10 p.m. on May 14, 2006 if the event is postponed due to weather). Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES.** 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.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls 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 rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not 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 rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine event permit are specifically excluded from further analysis and documentation under those sections.

List of Subjects in 33 CFR Part 100

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 100.35–T05–031 to read as follows:

§ 100.35–T05–031 Martin Lagoon, Middle River, Maryland

(a) *Regulated area.* The regulated area includes all waters of Martin Lagoon that are north of a line drawn from latitude 39°19′34″ N, 076°25′41″ W, thence to a position located at 39°19′33″ N, 076°25′33″ W. All coordinates reference Datum NAD 1983.

(b) *Definitions:*

(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any official patrol.

(d) *Enforcement period.* This section will be enforced from 9 a.m. to 10 p.m. on May 13, 2006. If the marine event is postponed due to weather, then the temporary special local regulations will be enforced during the same time period on May 14, 2006.

Dated: April 4, 2006.

Larry L. Hereth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 06–3608 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–06–018]

RIN 1625–AA00

Safety Zone; Chicago Sanitary and Ship Canal, Romeoville, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Chicago Sanitary and Ship Canal on the Illinois Waterway near Romeoville, Illinois. This safety zone is necessary to close the Chicago Sanitary and Ship Canal during safety testing of the permanent electrical dispersal barrier. This safety zone intended to restrict vessels from a portion of the Canal in Romeoville, IL, at various times over a 30 day period.

DATES: This rule is in effect during intermittent periods, as announced via Broadcast Notice to Mariners, from 7 a.m. (local) on April 10, 2006 until 7 a.m. (local) on June 30, 2006. Captain of the Port Lake Michigan or his on scene representative will inform mariners of enforcement periods via Broadcast Notice to Mariners.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of the docket (CGD09–06–018), and are available for inspection or copying at Commanding Officer, U.S. Coast Guard Marine Safety Unit Chicago, 215 W. 83rd Street Suite D, Burr Ridge, IL, 60527, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: MST1 Kenneth Brockhouse, U.S. Coast Guard, Marine Safety Unit Chicago, at (630) 986–2155.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This safety zone is temporary in nature and limited time existed for an NPRM. The Coast Guard was not made aware that this operation was to take place with sufficient time to allow for publication of an NPRM followed by a final rule. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be impracticable and immediate action is necessary to ensure the safety of personnel and vessels during the operational period. During the enforcement of this safety zone, comments will be accepted and reviewed and may result in a modification to the rule.

Background and Purpose

A temporary electrical dispersal barrier is in operation at mile marker 296.5 on the Chicago Sanitary Ship Canal to prevent Asian Carp from entering Lake Michigan.

A second permanent electrical dispersal barrier is being constructed and operational and safety testing must be completed prior to placing the permanent barrier in service. Also, additional safety tests need to be conducted for the temporary electrical dispersal barrier. These tests are scheduled to commence in April 2006. As such, the Captain of the Port Lake Michigan has determined that intermittent closures of the Chicago Sanitary and Ship Canal are necessary to ensure the integrity of the operational and safety tests, as well as the safety of the testing crews. Closures will occur between April 10, 2006 and June 30, 2006. Mariners will be notified of enforcement periods by Broadcast Notice to Mariners. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his designated on scene representative via VHF–FM radio Channel 16.

Discussion of Rule

Operational and safety tests are required to determine the electrical parameters of the permanent electrical dispersal barrier, and to evaluate the health and safety risks of the electrical fields generated by both barriers in this portion of the Chicago Sanitary and Ship Canal. Restricting vessel movement through this portion of the Canal is necessary to ensure accurate test results, and to protect the equipment and crews conducting the tests.

The safety zone will encompass all waters of the Chicago Sanitary and Ship Canal from the Romeo Road Bridge at Mile Marker 296.1 to the aerial pipeline arch at Mile Marker 296.7. All commercial and recreational vessels will be prohibited from entering the zone during enforcement periods. Enforcement periods will be announced via Broadcast Notice to Mariners.

Vessels may contact the Coast Guard via VHF–FM radio Channel 16 to request permission to transit through the safety zone.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this established rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This finding is based on the relatively small percentage of vessels that would fall within the applicability of the regulation, the relatively small size of the limited area around the zone, the minimal amount of time that vessels will be restricted when the zone is being enforced. In addition, vessels that will need to enter the zone may request permission on a case-by-case basis from the Captain of the Port or the designated on-scene representative.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit through the safety zone in and around the area.

This rule would not have a significant impact on a substantial number of small entities because the restrictions affect only a limited area for a brief amount of time as this safety zone is effective only when operations are underway. Further, transit through the zone may be permitted with proper authorization from the Captain of the Port Lake Michigan or his designated representative. Additionally, the opportunity to engage in recreational activities outside the limits of the safety zone will not be disrupted.

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 offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–800–734–3247.

Collection of Information

This rule calls 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 rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not 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 rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have 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)(g), of the Instruction, from further environmental documentation. This event establishes a safety zone therefore paragraph (34)(g) of the Instruction applies.

A preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09.018 to read as follows:

§ 165.T09.018 Safety Zone; Chicago Sanitary and Ship Canal, Romeoville, IL.

(a) *Location.* The following is a safety zone: all waters, bank-to-bank, from the Romeo Road Bridge at Mile Marker 296.1 to the aerial pipeline arch at Mile Marker 296.7 on Chicago Sanitary and Ship Canal.

(b) *Effective time and date.* This rule is in effect from 7 a.m. (local) on April 10, 2006 until 7 a.m. (local) on June 30, 2006. Enforcement periods will be announced via Broadcast Notice to Mariners. Captain of the Port Lake Michigan or the on scene representative may terminate this operation at anytime.

(c) *Regulations.* In accordance with § 165.23, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Lake Michigan, or the designated on-scene representative. Section 165.23 also contains other general requirements.

Dated: April 6, 2006.

S.P. LaRochelle,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 06–3609 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Guam 06–004]

RIN 1625–AA00

Safety Zone; 1.5NM North of Glass Breakwater, Philippine Sea, GU

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the waters of the Philippine Sea. This safety zone is necessary to protect mariners who would otherwise transit or be within the affected area from possible safety hazards associated with this simulated floating mine neutralization exercise. Entry of persons or vessels into this temporary safety zone is prohibited unless authorized by the Captain of the Port (COTP).

DATES: This rule is effective from 1 p.m. to 3 p.m. (Kilo, Local Time) on April 21, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP Guam 06–004 and are available for inspection or copying at Coast Guard Sector Guam between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Jose M. Rosario, U.S. Coast Guard Sector Guam at (671) 339–2001 Extension 159.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Notice of this detonation operation was not received in time to engage in full rulemaking. Publishing an NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete, thereby jeopardizing the safety of the people and property unknowingly transiting or remaining in the area. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The COTP finds this good cause to be the immediate need for a safety zone to allay the aforementioned safety concerns surrounding the U.S. Air Force operations.

Background and Purpose

The Coast Guard expects that, on April 21, 2006, the U.S. Navy will conduct a simulated floating mine neutralization exercise within the Guam Captain of the Port Zone. The Coast Guard has determined that a temporary safety zone in the waters of the Philippine Sea, about 1.5NM north of Glass Breakwater, Guam, bounded by a circle with a 330-yard radius for vessels and 3000-yard radius for persons in the water is necessary to protect them from hazards associated with the exercise.

Discussion of Rule

This temporary safety zone is effective from 1 p.m. to 3 p.m. (Kilo, Local Time) on April 21, 2006. It is located within the Guam Captain of the Port Zone (See 33 CFR 3.70–15) and covers all waters bounded by a circle with a 330-yard radius for vessels and 3000-yard radius for persons in the water, centered at 13° 29′ 03″ North Latitude and 144°40′ 04″ East Longitude (NAD 1983), from the surface of the water to the ocean floor.

The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port or a designated representative thereof. Any Coast Guard commissioned, warrant, or petty officer, and any other Captain of the Port representative permitted by law, may enforce the zone. The Captain of the Port may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that

application of the safety zone is unnecessary or impractical for the purpose of maritime safety. Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under § 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This expectation is based on the short duration of the zone and the limited geographic area affected by it.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. We expect that there will be little or no impact to small entities due to the narrowly tailored scope of this safety zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls 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 either preempts State law or imposes a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. 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 is 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, under figure 2–1, paragraph (34)(g) of the Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation.

List of Subjects 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ Add § 165.T14–137 to read as follows:

§ 165.T14–137 Safety Zone; 1.5NM North of Glass Breakwater, Philippine Sea, Guam

(a) *Location.* The following area, from the surface of the water to the ocean floor, is a safety zone: All waters bounded by a circle with a 330-yard radius for vessels and 3000-yard radius for persons in the water, centered at 13° 29′ 03″ North Latitude and 144° 40′ 04″ East Longitude (NAD 1983).

(b) *Effective Dates.* This safety zone is effective from 1 p.m. to 3 p.m. (Kilo, Local Time) on April 21, 2006.

(c) *Regulations.* The general regulations governing security zones contained in 33 CFR 165.23 apply. Entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other Captain of the Port representative permitted by law, may enforce this temporary safety zone.

(e) *Waiver.* The Captain of the Port may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(f) Penalties. Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: April 4, 2006.

W.R. Marhoffer,

Captain, U.S. Coast Guard, Captain of the Port, Guam.

[FR Doc. 06–3610 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 63

[EPA–R06–OAR–2005–LA–0004; FRL–8159–1]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; delegation of authority.

SUMMARY: The Louisiana Department of Environmental Quality (LDEQ) has submitted updated regulations for receiving delegation of EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for certain sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAPs promulgated by EPA, as amended through July 1, 2004. The delegation of authority under this action does not apply to sources located in Indian Country. EPA is providing notice that it is taking direct final action to approve the delegation of certain NESHAPs to LDEQ.

DATES: This rule is effective on June 16, 2006, without further notice, unless EPA receives adverse comment by May 17, 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2005–LA–0004, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- U.S. EPA Region 6 ''Contact Us'' Web site: *http://epa.gov/region6/r6coment.htm* Please click on ''6PD'' (Multimedia) and select ''Air'' before submitting comments.
- E-mail: Jeff Robinson at *robinson.jeffrey@epa.gov.* Please also cc the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- Fax: Mr. Jeff Robinson, Air Permits Section (6PD–R), at fax number 214–665–7263.
- Mail: Mr. Jeff Robinson, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- Hand or Courier Delivery: Mr. Jeff Robinson, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2005–LA–0004. 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 the disclosure of which 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, *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 *http://www.regulations.gov* or at the Air Permitting Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT**

paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cents per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Louisiana Department of Environmental Quality, Office of Environmental Assessment, 602 N. Fifth Street, Baton Rouge, Louisiana 70802.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Robinson, U.S. EPA, Region 6, Multimedia Planning and Permitting Division (6PD), 1445 Ross Avenue, Dallas, TX 75202–2733, telephone (214) 665–6435; fax number 214–665–7263; or electronic mail at *robinson.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

SUPPLEMENTARY INFORMATION:

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I. General Information

A. Tips for Preparing Your Comments

When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

2. 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.

3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

4. Describe any assumptions and provide any technical information and/or data that you used.

5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

6. Provide specific examples to illustrate your concerns, and suggest alternatives.

7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

8. Make sure to submit your comments by the comment period deadline identified.

B. Submitting Confidential Business Information (CBI)

Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

II. What Does This Action Do?

EPA is taking direct final action to approve the delegation of certain NESHAPs to LDEQ. With this delegation, LDEQ has the primary responsibility to implement and enforce the delegated standards. See Section VI, below, for a complete discussion of which standards are being delegated and which are not being delegated.

III. What Is the Authority for Delegation?

Section 112(l) of the CAA and 40 CFR part 63, Subpart E, authorizes EPA to delegate authority to any state or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR part 63.

IV. What Criteria Must Louisiana's Program Meet To Be Approved?

EPA previously approved LDEQ's program for the delegation of certain NESHAP standards in 40 CFR part 63 on March 26, 2004 (69 FR 15687), and updated the delegation on December 15, 2004 (69 FR 74979). Section 112(l) of the CAA enables EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program or rules. 40 CFR part 63, subpart E (Subpart E) governs EPA's approval of State rules or programs under section 112(l).

EPA will approve an air toxics program if we find that:

(1) The State program is ''no less stringent'' than the corresponding Federal program or rule;

(2) the State has adequate authority and resources to implement the program;

(3) the schedule for implementation and compliance is sufficiently expeditious; and

(4) the program otherwise complies with Federal guidance.

In order to obtain approval of its program to implement and enforce Federal section 112 rules as promulgated without changes (straight delegation), only the criteria of 40 CFR 63.91(d) must be met. 40 CFR 63.91(d)(3) provides that interim or final Title V program approval will satisfy the criteria of 40 CFR 63.91(d) for part 70 sources.

V. How Did LDEQ Meet the Subpart E Approval Criteria?

As part of its Title V submission, LDEQ stated that it intended to use the mechanism of incorporation by reference to adopt unchanged Federal section 112 into its regulations. This applied to both existing and future standards as they applied to part 70 sources. 59 FR 43797 (August 25, 1994) and 60 FR 17750 (April 7, 1995). On September 12, 1995, EPA promulgated final full approval of the State's operating permits program effective October 12, 1995. 60 FR 42296. Under 40 CFR 63.91(d)(2), once a state has satisfied up-front approval criteria, it needs only to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent submittals. LDEQ has affirmed that it still meets the up-front approval criteria.

VI. What Is Being Delegated?

EPA received LDEQ's request to update the NESHAP delegation on August 12, 2005. LDEQ requested the EPA to update the delegation of authority for the following:

A. NESHAPs (40 CFR part 63 standards) through July 1, 2004

LDEQ's request was for delegation of certain NESHAPS for all sources (both part 70 and non-part 70 sources). The request includes revisions of the NESHAP standards adopted unchanged into Louisiana Administrative Code

(LAC) Title 33:III, Chapter 51, Subchapter C, § 5122—Incorporation by Reference of 40 CFR part 63 as it Applies to Major Sources; and Chapter 53, Subchapter B, § 5311—Incorporation by Reference of 40 CFR part 63 as it Applies to Area Sources. LDEQ also requested that EPA remove the delegation for Subpart D—Early Reductions. LDEQ has requested delegation of the part 63 NESHAPs set forth in Table 1 below.

TABLE 1

[40 CFR Part 63 NESHAP for source categories]

Subpart	Source category
EEEE	Organic Liquids Distribution (Non-Gasoline).
FFFF	Miscellaneous Organic Chemical Manufacturing (MON).
IIII	Surface Coating of Auto and Light Duty Trucks.
KKKK	Surface Coating of Metal Cans.
MMMM	Surface Coating of Miscellaneous Metal Parts and Products.
PPPP	Surface Coating of Plastic Parts and Products.
YYYY	Stationary Combustion Turbines.
ZZZZ	Stationary Reciprocating Internal Combustion Engines (RICE).
AAAAA	Lime Manufacturing Plants.
EEEEE	Iron and Steel Foundries.
GGGGG	Site Remediation.
HHHHH	Miscellaneous Coating Manufacturing.
IIIII	Mercury Cell Chlor-Alkali Plants.
RRRRR	Taconite Iron Ore Processing.
TTTTT	Primary Magnesium Refining.

VII. What Is Not Being Delegated?

EPA cannot delegate to a State any of the Category II Subpart A authorities set forth in 40 CFR 63.91(g)(2). These include the following provisions: Section 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. In addition, some MACT standards have certain provisions that cannot be delegated to the States [*e.g.* 40 CFR 63.106(b)]. Therefore, any MACT standard that EPA is delegating to LDEQ that provides that certain authorities cannot be delegated are retained by EPA and not delegated. Furthermore, no authorities are delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA Section 112. EPA will change the delegation status of part 63—Subpart J standard for Polyvinyl Chloride and Copolymers Production in this delegation action. This standard was vacated by *Mossville Environmental Action Now* v. *EPA*, 370 F. 3d 1232 (D.C. Cir. 2004), and EPA's petition for rehearing was denied by the Court of Appeals for the D.C. Circuit on April 15, 2005. This standard was previously delegated to LDEQ. EPA is currently preparing a new Subpart J standard. Finally, Section 112(r), the accidental release program authority, is not being delegated by this approval.

All of the inquiries and requests concerning implementation and enforcement of the excluded standards in the State of Louisiana should be directed to the EPA Region 6 Office.

In addition, this delegation to LDEQ to implement and enforce certain NESHAPs does not extend to sources or activities located in Indian country, as defined in 18 U.S.C. 1151. Under this definition, EPA treats as reservations, trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Consistent with previous federal program approvals or delegations, EPA will continue to implement the NESHAPs in Indian country because LDEQ has not adequately demonstrated its authority over sources and activities located within the exterior boundaries of Indian reservations and other areas in Indian country.

VIII. How Will Applicability Determinations Under Section 112 Be Made?

In approving this delegation, LDEQ will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the CAA or 40 CFR part 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by EPA determinations or guidance.

IX. What Authority Does EPA Have?

We retain the right, as provided by CAA section 112(l)(7), to enforce any applicable emission standard or requirement under Section 112. EPA also has the authority to make certain decisions under the General Provisions (Subpart A) of part 63. We are granting LDEQ some of these authorities, and retaining others, as explained in Sections VI and VII above. In addition, EPA may review and disapprove of State determinations and subsequently require corrections. (*See* 40 CFR 63.91(g) and 65 FR 55810, 55823, September 14, 2000.)

Furthermore, we retain any authority in an individual emission standard that may not be delegated according to provisions of the standard. Also, listed in the footnotes of the part 63 delegation table at the end of this rule are the authorities that cannot be delegated to any State or local agency which we therefore retain.

X. What Information Must LDEQ Provide to EPA?

In delegating the authority to implement and enforce these rules and in granting a waiver of EPA notification requirements, we require LDEQ to input all source information into the Aerometric Information Retrieval System (AIRS) for both point and area sources, as applicable. LDEQ must enter this information into the AIRS system and update the information by September 30 of every year. LDEQ must provide any additional compliance related information to EPA, Region 6, Office of Enforcement and Compliance Assurance within 45 days of a request under 40 CFR 63.96(a).

In receiving delegation for specific General Provisions authorities, LDEQ

must submit to EPA Region 6 on a semi-annual basis, copies of determinations issued under these authorities. For part 63 standards, these determinations include: Applicability determinations (63.1); approval/disapprovals of construction and reconstruction [63.5(e) and (f)]; notifications regarding the use of a continuous opacity monitoring system [63.6(h)(7)(ii)]; finding of compliance [63.6(h)(8)]; approval/disapprovals of compliance extensions [63.6(i)]; approvals/disapprovals of minor [63.7(e)(2)(i)] or intermediate [63.7(e)(2)(ii) and (f)] alternative test methods; approval of shorter sampling times and volumes [63.7(e)(2)(iii)]; waiver of performance testing [63.7(e)(2)(iv) and (h)(2), (3)]; approvals/disapprovals of minor or intermediate alternative monitoring methods [63.8(f)]; approval of adjustments to time periods for submitting reports (63.9 and 63.10); and approvals/disapprovals of minor alternatives to recordkeeping and reporting [63.10(f)].

Additionally, EPA's Emission Measurement Center of the Emissions Monitoring and Analysis Division must receive copies of any approved intermediate changes to test methods or monitoring. (Please note that intermediate changes to test methods must be demonstrated as equivalent through the procedures set out in EPA method 301.) This information on approved intermediate changes to test methods and monitoring will be used to compile a database of decisions that will be accessible to State and local agencies and EPA Regions for reference in making future decisions. (For definitions of *major*, *intermediate* and *minor* alternative test methods or monitoring methods, see 40 CFR 63.90). The LDEQ should forward these intermediate test methods or monitoring changes via mail or facsimile to: Chief, Source Categorization Group A, EPA (MD–19), Research Triangle Park, NC 27711, Facsimile telephone number: (919) 541–1039.

XI. What Is EPA's Oversight of This Delegation to LDEQ?

EPA must oversee LDEQ's decisions to ensure the delegated authorities are being adequately implemented and enforced. We will integrate oversight of the delegated authorities into the existing mechanisms and resources for oversight currently in place. If, during oversight, we determine that LDEQ made decisions that decreased the stringency of the delegated standards, then LDEQ shall be required to take corrective actions and the source(s) affected by the decisions will be notified, as required by 40 CFR 63.91(g)(1)(ii). We will initiate withdrawal of the program or rule if the corrective actions taken are insufficient.

XII. Should Sources Submit Notices to EPA or LDEQ?

All of the information required pursuant to the Federal NESHAP (40 CFR part 63) should be submitted by sources located outside of Indian country, directly to the LDEQ at the following address: Office of Environmental Services, P. O. Box 4313, Baton Rouge, LA 70821–4313. The LDEQ is the primary point of contact with respect to delegated NESHAPs. Sources do not need to send a copy to EPA. EPA Region 6 waives the requirement that notifications and reports for delegated standards be submitted to EPA in addition to LDEQ in accordance with 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii).

XIII. How Will Unchanged Authorities Be Delegated to LDEQ in the Future?

In the future, LDEQ will only need to send a letter of request to EPA, Region 6, for those NESHAP regulations that LDEQ has adopted by reference. The letter must reference the previous up-front approval demonstration and reaffirm that it still meets the up-front approval criteria. We will respond in writing to the request stating that the request for delegation is either granted or denied. A **Federal Register** will be published to inform the public and affected sources of the delegation, indicate where source notifications and reports should be sent, and to amend the relevant portions of the Code of Federal Regulations showing which NESHAP standards have been delegated to LDEQ.

XIV. Final Action

The public was provided the opportunity to comment on the proposed approval of the program and mechanism for delegation of Section 112 standards, as they apply to part 70 sources, on August 24, 1994, for the proposed interim approval of LDEQ's Title V operating permits program; and on April 7, 1995, for the proposed final approval of LDEQ's Title V operating permits program. In EPA's final full approval of Louisiana's Operating Permits Program (60 FR 47296), the EPA discussed the public comments on the proposed delegation of the Title V operating permits program. The public was also given the opportunity to comment on the delegation of authority to Louisiana for National Emission Standards for Hazardous Air Pollutants on March 26, 2004 (69 FR 15687 and 69 FR 15755) and on December 15, 2004 (69 FR 74979), and received no public comments on either delegation of authority. In this action, the public is given the opportunity to comment on the approval of LDEQ's request for delegation of authority to implement and enforce certain Section 112 standards for all sources (both part 70 and non-part 70 sources) which have been adopted by reference into Louisiana's state regulations. However, the Agency views the approval of these requests as a non-controversial action and anticipates no adverse comments. Therefore, EPA is publishing this rule without prior proposal. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the program and delegation of authority described in this action if adverse comments are received. This action was effective on June 16, 2006, without further notice unless the Agency receives relevant adverse comments by May 17, 2006.

If EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

XV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this 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 action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this 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.*). Because this rule approves 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 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 approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This 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 Clean Air Act. 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 a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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 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.*).

The Congressional Review Act, 5 U.S.C. section 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. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 16, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 63

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

Authority: This action is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: April 7, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

■ 40 CFR part 63 is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 2. Section 63.99 is amended by revising paragraph (a)(18)(i) to read as follows:

§ 63.99 Delegated Federal Authorities.

(a) * * *

(18) * * *

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the Louisiana Department of Environmental Quality for all sources. The ''X'' symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law, regulations, policy, guidance, and determinations. Some authorities cannot be delegated and are retained by EPA. These include certain General Provisions authorities and specific parts of some standards. Any amendments made to these rules after the date of adoption are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS.—STATE OF LOUISIANA [1]

Subpart	Source category	LDEQ [2, 3]
A	General Provisions	X
F	Hazardous Organic NESHAP (HON)—Synthetic Organic Chemical Manufacturing Industry (SOCMI).	X
G	HON—SOCMI Process Vents, Storage Vessels, Transfer Operations and Wastewater	X
H	HON—Equipment Leaks	X
I	HON—Certain Processes Negotiated Equipment Leak Regulation	X
J	Polyvinyl Chloride and Copolymers Production	X [4]
K	(Reserved)	
L	Coke Oven Batteries	X
M	Perchloroethylene Dry Cleaning	X
N	Chromium Electroplating and Chromium Anodizing Tanks	X
O	Ethylene Oxide Sterilizers	X
P	(Reserved)	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution	X
T	Halogenated Solvent Cleaning	X

DELEGATION STATUS FOR PART 63 STANDARDS.—STATE OF LOUISIANA [1]—Continued

Subpart	Source category	LDEQ [2, 3]
U	Group I Polymers and Resins	X
V	(Reserved)	
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X
X	Secondary Lead Smelting	X
Y	Marine Tank Vessel Loading	X
Z	(Reserved)	
AA	Phosphoric Acid Manufacturing Plants	X
BB	Phosphate Fertilizers Production Plants	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery Operations	X
EE	Magnetic Tape Manufacturing	X
FF	(Reserved)	
GG	Aerospace Manufacturing and Rework Facilities	X
HH	Oil and Natural Gas Production Facilities	X
II	Shipbuilding and Ship Repair Facilities	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum Reduction Plants	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfide, and Stand-Alone Semichemical Pulp Mills.	X
NN	(Reserved)	
OO	Tanks—Level 1	X
PP	Containers	X
QQ	Surface Impoundments	X
RR	Individual Drain Systems	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X
TT	Equipment Leaks—Control Level 1	X
UU	Equipment Leaks—Control Level 2 Standards	X
VV	Oil-Water Separators and Organic-Water Separators	X
WW	Storage Vessels (Tanks)—Control Level 2	X
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	X
YY	Generic Maximum Achievable Control Technology Standards	X
ZZ–BBB	(Reserved)	
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration	X
DDD	Mineral Wool Production	X
EEE	Hazardous Waste Combustors	X
FFF	(Reserved)	
GGG	Pharmaceuticals Production	X
HHH	Natural Gas Transmission and Storage Facilities	X
III	Flexible Polyurethane Foam Production	X
JJJ	Group IV Polymers and Resins	X
KKK	(Reserved)	
LLL	Portland Cement Manufacturing	X
MMM	Pesticide Active Ingredient Production	X
NNN	Wool Fiberglass Manufacturing	X
OOO	Amino/Phenolic Resins	X
PPP	Polyether Polyols Production	X
QQQ	Primary Copper Smelting	X
RRR	Secondary Aluminum Production	X
SSS	(Reserved)	
TTT	Primary Lead Smelting	X
UUU	Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Plants.	X
VVV	Publicly Owned Treatment Works (POTW)	X
WWW	(Reserved)	
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X
AAAA	Municipal Solid Waste Landfills	X
CCCC	Nutritional Yeast Manufacturing	X
EEEE	Organic Liquids Distribution (Non-Gasoline)	X
FFFF	Miscellaneous Organic Chemical Manufacturing	X
GGGG	Solvent Extraction for Vegetable Oil Production	X
HHHH	Wet Formed Fiberglass Mat Production	X
IIII	Auto & Light Duty Trucks	X
JJJJ	Paper and other Web Coating	X
KKKK	Surface Coating of Metal Cans	X
MMMM	Surface Coating of Miscellaneous Metal Parts and Products	X
NNNN	Surface Coating of Large Appliances	X
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	X
PPPP	Surface Coating of Plastic Parts and Products	X
QQQQ	Surface Coating of Wood Building Products	X

DELEGATION STATUS FOR PART 63 STANDARDS.—STATE OF LOUISIANA [1]—Continued

Subpart	Source category	LDEQ [2, 3]
RRRR	Surface Coating of Metal Furniture	X
SSSS	Surface Coating for Metal Coil	X
TTTT	Leather Finishing Operations	X
UUUU	Cellulose Production Manufacture	X
VVVV	Boat Manufacturing	X
WWWW	Reinforced Plastic Composites Production	X
XXXX	Tire Manufacturing	X
YYYY	Stationary Combustion Turbines	X
ZZZZ	Stationary Reciprocating Internal Combustion Engines (RICE)	X
AAAAA	Lime Manufacturing Plants	X
BBBBB	Semiconductor Manufacturing	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X
DDDDD	Industrial, Commercial, and Institutional Boilers and Process Heaters	
EEEEE	Iron and Steel Foundries	X
FFFFF	Integrated Iron and Steel	X
GGGGG	Site Remediation	X
HHHHH	Miscellaneous Coating Manufacturing	X
IIIII	Mercury Cell Chlor-Alkali Plants	X
JJJJJ	Brick and Structural Clay Products Manufacturing	X
KKKKK	Clay Ceramics Manufacturing	X
LLLLL	Asphalt Roofing and Processing	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X
NNNNN	Hydrochloric Acid Production, Fumed Silica Production	X
PPPPP	Engine Test Facilities	X
QQQQQ	Friction Products Manufacturing	X
RRRRR	Taconite Ore Processing	X
SSSSS	Refractory Products Manufacturing	X
TTTTT	Primary Magnesium Refining	X

[1] Program delegated to Louisiana Department of Environmental Quality (LDEQ).
[2] Federal rules adopted unchanged as of July 1, 2004.
[3] Authorities which may not be delegated include: 63.6(g), Approval of Alternative Non-Opacity Emission Standards; 63.6(h)(9), Approval of Alternative Opacity Standards; 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; 63.8(f), Approval of Major Alternatives to Monitoring; 6.3.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (*e.g.*, under ''Delegation of Authority'') that cannot be delegated.
[4] The standard was previously delegated to LDEQ. The standard was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network v. EPA,* 370 F. 3d 1232 (D.C. Cir. 2004). Because of the D.C. Circuit Court's holding this standard is not delegated to LDEQ at this time.

* * * * *

[FR Doc. 06–3637 Filed 4–14–06; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7921]

Suspension of Community Eligibility

AGENCY: Mitigation Division, Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: William H. Lesser, Mitigation Division, 500 C Street SW., Washington, DC 20472, (202) 646–2807.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of

the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 is revised to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region V				
Michigan:				
Benton, Township of, Berrien County ...	260031	April 19, 1973, Emerg; April 3, 1978, Reg; April 17, 2006, Susp.	April 17, 2006 ...	April 17, 2006.
Benton Harbor, City of, Berrien County	260032	January 19, 1973, Emerg; May 15, 1978, Reg; April 17, 2006, Susp.	.....do*	do.
Berrien Springs, Village of, Berrien County.	260330	July 12, 1976, Emerg; April 30, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Buchanan, City of, Berrien County	260554	February 23, 1976, Emerg; April 16, 1993, Reg; April 17, 2006, Susp.	.....do	do.
Coloma, City of, Berrien County	260556	October 27, 1976, Emerg; January 18, 1980, Reg; April 17, 2006, Susp.	.....do	do.
Coloma, Township of, Berrien County ..	260034	April 12, 1974, Emerg; February 15, 1984, Reg; April 17, 2006, Susp.	.....do	do.
Hagar, Township of, Berrien County	260035	April 19, 1973, Emerg; December 1, 1977, Reg; April 17, 2006, Susp.	.....do	do.
Lake, Township of, Berrien County	260036	July 26, 1973, Emerg; November 1, 1979, Reg; April 17, 2006, Susp.	.....do	do.
Lincoln, Township of, Berrien County ...	260037	March 16, 1973, Emerg; March 1, 1978, Reg; April 17, 2006, Susp.	.....do	do.
Michiana, Village of, Berrien County	260275	April 13, 1973, Emerg; May 1, 1978, Reg; April 17, 2006, Susp.	.....do	do.
New Buffalo, City of, Berrien County	260038	April 10, 1973, Emerg; December 4, 1979, Reg; April 17, 2006, Susp.	.....do	do.
New Buffalo, Township of, Berrien County.	260039	April 22, 1975, Emerg; December 4, 1979, Reg; April 17, 2006, Susp.	.....do	do.
Niles, City of, Berrien County	260040	January 16, 1975, Emerg; July 16, 1987, Reg; April 17, 2006, Susp.	.....do	do.
Niles, Township of, Berrien County	260041	September 9, 1974, Emerg; June 3, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Oronoko Township of, Berrien County ..	260042	July 7, 1975, Emerg; June 17, 1986, Reg; April 17, 2006, Susp.	.....do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Watervliet, City of, Berrien County	260047	July 22, 1975, Emerg; November 16, 1983, Reg; April 17, 2006, Susp.	.....do	do.
Watervliet, Township of, Berrien County	260048	March 14, 1974, Emerg; November 16, 1983, Reg; April 17, 2006, Susp.	.....do	do.
Minnesota:				
Big Stone County, Unincorporated Areas.	270652	July 2, 1974, Emerg; June 17, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Clinton, City of Big Stone County	270024	May 15, 1997, Emerg; April 17, 2006, Reg; April 17, 2006, Susp.	.....do	do.
Graceville, City of, Stone County	270026	July 25, 1997, Emerg; April 17, 2006, Reg; April 17, 2006, Susp.	.....do	do.
Odessa, City of, Big Stone County	270027	September 10, 1975, Emerg; January 3, 1985, Reg; April 17, 2006, Susp.	.....do	do.
Ortonville, City of, Stone County	270028	July 2, 1974, Emerg; February 19, 1986, Reg; April 17, 2006, Susp.	.....do	do.
Region VII				
Nebraska:				
Sterling, Village of, Johnson County	310126	August 25, 1975, Emerg; September 1, 1987, Reg; April 17, 2006, Susp.	.....do	do.

*-do- = Ditto.
Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

Dated: April 10, 2006.

David I. Maurstad,

Acting Mitigation Division Director, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 06–3630 Filed 4–14–06; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 71, No. 73
Monday, April 17, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24171; Directorate Identifier 2006–NE–08–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–50C Series Turbofan Engines

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) CF6–50C series turbofan engines. This proposed AD would require reworking the forward fan stator case and installing a fan module secondary containment shield. This proposed AD results from reports of uncontained fan blade failures causing damage and separation of airplane hydraulic lines. We are proposing this AD to prevent uncontained fan blade failures, which can result in separation of airplane hydraulic lines, damage to critical airplane systems, and possible loss of airplane control.

DATES: We must receive any comments on this proposed AD by June 16, 2006.

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

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

You can get the service information identified in this proposed AD from General Electric Company via GE-Aviation, Attn: Distributions, 111 Merchant St., Room 230, Cincinnati, Ohio 45246, telephone (513) 552–3272; fax (513) 552–3329.

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

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7192; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2006–24171; Directorate Identifier 2006–NE–08–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the AD Docket

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

Discussion

In the service history of the CF6–50C series turbofan engine, there have been more than 40 fan blade failure events. In two of these events, fragments were uncontained, impacting airplane hydraulic lines. In another of these events, the fan case bulged, separating a hydraulic line. Failure of fan blades can result from material defects, foreign object ingestion, or bird ingestion. Fan blade uncontainment can result depending on the size and kinetic energy of the released fan blade fragments, the impact location, and the design capability and integrity of the containment structure. Continued safe flight and landing might be compromised if uncontained fan blade fragments impact critical airplane system components, such as hydraulic lines. This condition, if not corrected, could result in uncontained fan blade failures, which can result in separation of airplane hydraulic lines, damage to critical airplane systems, and possible loss of airplane control.

Relevant Service Information

We have reviewed and approved the technical contents of GE Service Bulletin (SB) No. CF6–50 S/B 72–0985, Revision 1, dated September 15, 1998 (Airbus) and GE SB No. CF6–50 S/B 72–0986, Revision 1, dated September 15, 1998 (McDonnell Douglas). These SBs describe procedures for reworking the forward fan stator case and installing a fan module secondary containment shield.

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

The SBs recommend compliance at the operator's convenience. We

determined that a stricter compliance schedule is necessary. The European Aviation Safety Agency issued AD 2004–0007, on December 15, 2004, which required compliance by December 14, 2005. However, due to insufficient parts availability, we propose to require compliance no later than June 30, 2007.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other engines of this same type design. We are proposing this AD, which would require reworking certain CF6–50C forward fan stator cases and installing secondary containment shields at the next engine shop visit after the effective date of the proposed AD, but no later than June 30, 2007.

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

Costs of Compliance

We estimate that this proposed AD would affect 226 CF6–50C series turbofan engines installed on airplanes of U.S. registry. We also estimate that it would take about 2.5 work hours per engine to perform the proposed actions, and that the average labor rate is $80 per work hour. Required parts would cost about $9,451 per engine. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $2,181,126.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2006–24171; Directorate Identifier 2006–NE–08–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by June 16, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Company (GE) CF6–50C, CF6–50C1, CF6–50C2, CF6–50C2B, CF6–50C2F, and CF6–50C2R turbofan engines, with a forward fan stator case, part number 9064M53G04, GO5, G06, G07, G08, G09, G10, G12, or G13, installed. These engines are installed on, but not limited to, Airbus A300, McDonnell Douglas DC–10 series, and DC–10–30F (KC–10A, KDC–10) airplanes.

Unsafe Condition

(d) This AD results from reports of uncontained fan blade failures causing damage and separation of airplane hydraulic lines. We are issuing this AD to prevent uncontained fan blade failures, which can result in separation of airplane hydraulic lines, damage to critical airplane systems, and possible loss of airplane control.

Compliance

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

(f) At the next engine shop visit after the effective date of this AD, but no later than June 30, 2007, rework the forward fan stator case and install the fan module secondary containment shield.

(1) For engines on Airbus 300 series airplanes, use paragraph 3, Accomplishment Instructions, of GE SB No. CF6–50 S/B 72–0985, dated December 2, 1991 or Revision 1, dated September 15, 1998, to do the rework and installation.

(2) For engines on McDonnell Douglas airplanes, use paragraph 3, Accomplishment Instructions, of GE Service Bulletin (SB) No. CF6–50 S/B 72–0986, dated December 2, 1991 or Revision 1, dated September 15, 1998, to do the rework and installation.

(g) The rework and installation specified in paragraphs (f)(1) through (f)(2) of this AD can also be done on-wing.

Alternative Methods of Compliance

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

Related Information

(i) European Aviation Safety Agency airworthiness directive 2004–0007, dated December 15, 2004, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on April 11, 2006.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E6–5645 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–09]

Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM).

That NPRM proposed to revise the existing airworthiness directive (AD) applicable to Rolls-Royce plc (RR) Model RB211 Trent 892, 884, 877, 875, and 892B series turbofan engines. That proposed rule would have required initial and repetitive inspections of the angled drive upper shroud, the intermediate gearbox housing (IGH), and the external gearbox lower bevel box (LBB) housing, and initial and repetitive master magnetic chip detector (MCD) inspections. Since we issued that proposed rule, RR notified us that after reviewing the service experience and the original actions taken, the unsafe condition no longer exists and mandatory actions required by the proposed rule are no longer required. Accordingly, we withdraw the proposed rule.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7175; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to RR Model RB211 Trent 892, 884, 877, 875, and 892B series turbofan engines. We published the proposed AD in the **Federal Register** on November 2, 1999 (64 FR 59137). That proposed action would have required initial and repetitive inspections of the angled drive upper shroud, the intermediate gearbox housing (IGH), and the external gearbox lower bevel box (LBB) housing. In addition, that proposed AD would have required initial and repetitive master magnetic chip detector (MCD) inspections. Also, that proposed AD would have eliminated the repetitive inspections of the IGH, external gearbox LBB housing, and the angled drive upper shroud, if the engines have incorporated modifications described in certain RR service bulletins. Also, that proposed AD would have increased the inspection interval for repetitive master MCD inspections. That proposed AD resulted from service experience since publication of AD 97–06–13. We proposed that AD to prevent loss of oil, which could cause an engine fire, and in-flight engine shutdowns and airplane diversions caused by oil loss and bearing failures.

Since we issued that proposed AD, RR notified us that after reviewing the service experience and the original actions taken, the unsafe condition no longer exists and mandatory actions required by the proposed AD are no longer required.

Upon further consideration, we hereby withdraw the proposed rule based on RR's analysis and conclusion stated above.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule. Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) do not cover this withdrawal.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, we withdraw the notice of proposed rulemaking, Docket No. 97–ANE–09, published in the **Federal Register** on November 2, 1999 (64 FR 59137).

Issued in Burlington, Massachusetts, on April 11, 2006.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E6–5666 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21242; Directorate Identifier 2005–NE–09–AD]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to revise an existing airworthiness directive (AD) for certain Turbomeca Arriel 1B, 1D, 1D1, and 1S1 turboshaft engines. That AD currently requires initial and repetitive position checks of the gas generator 2nd stage turbine blades on all Turbomeca Arriel 1B, 1D, 1D1, and 1S1 turboshaft engines. That AD also currently requires initial and repetitive replacements of 2nd stage turbines on 1B, 1D, and 1D1 engines only. This proposed AD revision would require the same actions, but would relax the compliance times for initially replacing 2nd stage turbines in Arriel 1B, 1D, and 1D1 turboshaft engines. This proposed AD revision results from a request by Turbomeca to clarify the compliance times for 2nd stage turbine initial replacement on Arriel 1D, 1D1, and 1B turboshaft engines. We are proposing this AD revision to clarify and relax the AD compliance times for 2nd stage turbine initial replacement on Arriel 1B, 1D, and 1D1 turboshaft engines. We are also proposing this AD revision to prevent inflight engine shutdown and subsequent forced autorotation landing or accident.

DATES: We must receive any comments on this proposed AD revision by June 16, 2006.

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

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

Contact Turbomeca, 40220 Tarnos, France; telephone +33 05 59 74 40 00, fax +33 05 59 74 45 15, for the service information identified in this proposed AD revision.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7175, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2005–21242; Directorate Identifier 2005–NE–09–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory,

economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

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

Examining the AD Docket

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

Discussion

On January 12, 2006, the FAA issued AD 2006–02–08, Amendment 39–14460 (71 FR 3754, January 24, 2006). The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition might exist on Turbomeca, Arriel 1B (modified per TU 148), 1D, 1D1, and 1S1 turboshaft engines. The DGAC advises that sixteen cases of release of gas generator 2nd stage turbine blades occurred in service, with full containment of debris. These events resulted in uncommanded engine in flight shutdowns. Although terminating action is still unavailable, mandatory checks of the turbine blades and replacement of the turbine are being required in order to reduce the probability of an uncommanded engine in flight shutdown. That AD requires initial and repetitive position checks of the gas generator 2nd stage turbine blades on all Turbomeca Arriel 1B, 1D, 1D1, and 1S1 turboshaft engines. That AD also requires initial and repetitive replacements of 2nd stage turbines on 1B, 1D, and 1D1 engines only. That condition, if not corrected, could result in uncommanded engine in flight shutdown.

Actions Since AD 2006–02–08 Was Issued

Since that AD 2006–02–08 was issued, Turbomeca asks if our intent is to require initial replacement of all Arriel 1B, 1D, and 1D1 2nd stage turbines by August 31, 2006. Turbomeca states that if so, the compliance time in the AD is too restrictive. Turbomeca requests that we clarify the AD compliance times for 2nd stage turbine initial replacement on Arriel 1B, 1D, and 1D1 turboshaft engines.

We recognize that our intent is not clear in the AD. Our intent is not to require all Arriel 1D, 1D1, and 1B 2nd stage turbine initial replacements by August 31, 2006. Our intent is to require initial replacement of only those Arriel 1B, 1D, and 1D1 2nd stage turbines that are over the hourly limits specified. We are proposing this AD revision to clarify and relax the AD compliance times for 2nd stage turbine initial replacement on Arriel 1B, 1D, and 1D1 turboshaft engines. We are also proposing this AD revision to prevent inflight engine shutdown and subsequent forced autorotation landing or accident.

Relevant Service Information

We have reviewed and approved the technical contents of Turbomeca Alert Service Bulletins (ASBs) A292 72 0807, for Arriel 1B post-TU 148; ASB A292 72 0808, for Arriel 1D; ASB A292 72 0809, for Arriel 1D1; and ASB A292 72 0810, for Arriel 1S1, all dated March 24, 2004. These ASBs describe procedures for initial and repetitive position checks of the 2nd stage turbine blades, and replacement of 2nd stage turbines on 1B and 1D1 engines only. The DGAC classified these ASBs as mandatory and issued airworthiness directive F–2004–047, dated March 31, 2004, in order to ensure the airworthiness of these Turbomeca Arriel 1B, 1D, 1D1 and 1S1 turboshaft engines in France.

Bilateral Agreement Information

This engine model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. In keeping with this bilateral airworthiness agreement, the DGAC kept us informed of the situation described above. We have examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

FAA's Determination and Requirements of the Proposed AD Revision

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

- Initial and repetitive position checks of the 2nd stage turbine blades on Turbomeca Arriel 1B, 1D, 1D1, and 1S1 turboshaft engines.
- Replacement of 2nd stage turbines on 1B and 1D1 engines only.
- Initially replacing 2nd stage turbines in Arriel 1B, 1D, and 1D1 turboshaft engines at relaxed compliance times.

The proposed AD revision would require that you do these actions using the service information described previously.

Costs of Compliance

We estimate that this proposed AD revision would affect 721 engines installed on helicopters of U.S. registry. We also estimate that it would take about 2 workhours per engine to inspect all 721 engines and 40 workhours per engine to replace about 571 2nd stage turbines on 1B and 1D1 engines, and that the average labor rate is $80 per work hour. Required parts would cost about $3,200 per engine. Based on these figures, we estimate the total cost of the proposed AD revision to U.S. operators to be $4,249,760.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD revision. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–14460 (71 FR 3754, January 24, 2006) and by adding a new airworthiness directive, to read as follows:

Turbomeca: Docket No. FAA–2005–21242; Directorate Identifier 2005-NE–09–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by June 16, 2006.

Affected ADs

(b) This AD revises AD 2006–02–08, Amendment 39–14460.

Applicability

(c) This AD revision applies to Turbomeca Arriel 1B engines fitted with 2nd stage turbine modification TU 148, and Arriel 1D, 1D1, and 1S1 engines. Arriel 1B engines are installed on, but not limited to, Eurocopter France AS–350B and AS–350A ''Ecureuil'' helicopters. Arriel 1D engines are installed on, but not limited to, Eurocopter France AS–350B1 ''Ecureuil'' helicopters. Arriel 1D1 engines are installed on, but not limited to, Eurocopter France AS–350B2 ''Ecureuil'' helicopters. Arriel 1S1 engines are installed on, but not limited to, Sikorsky Aircraft S–76A and S–76C helicopters.

Unsafe Condition

(d) This AD revision results from a request by Turbomeca to clarify the compliance times for 2nd stage turbine initial replacement on Arriel 1B, 1D, and 1D1 turboshaft engines. We are issuing this AD revision to clarify and relax the AD compliance times for 2nd stage turbine initial replacement on Arriel 1B, 1D, and 1D1 turboshaft engines. We are also issuing this AD revision to prevent inflight engine shutdown and subsequent forced autorotation landing or accident.

Compliance

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

Initial Relative Position Check of 2nd Stage Turbine Blades

(f) Do an initial relative position check of the 2nd stage turbine blades using the Turbomeca mandatory alert service bulletins (ASBs) specified in the following Table 1. Do the check before reaching any of the intervals specified in Table 1 or within 50 hours time-in-service after the effective date of this AD, whichever occurs later.

TABLE 1.—INITIAL AND REPETITIVE RELATIVE POSITION CHECK INTERVALS OF 2ND STAGE TURBINE BLADE

Turbomeca engine model	Initial relative position check interval	Repetitive interval	Mandatory alert service bulletin
Arriel 1B (modified per TU 148)	Within 1,200 hours time-since-new (TSN) or time-since-overhaul (TSO) or 3,500 cycles-since-new (CSN) or cycles-since-overhaul (CSO), whichever occurs earlier.	Within 200 hours time-in-service-since-last-relative-position-check (TSLRPC).	A292 72 0807, dated March 24, 2004.
Arriel 1D1 and Arriel 1D	Within 1,200 hours TSN or TSO or 3,500 hours CSN or CSO, whichever occurs earlier.	Within 150 hours TSLRPC	A292 72 0809, Update No. 1, dated October 4, 2005.
Arriel 1S1	Within 1,200 hours TSN or TSO or 3,500 hours CSN or CSO, whichever occurs earlier.	Within 150 hours TSLRPC	A292 72 0810, dated March 24, 2004.

Repetitive Relative Position Check of 2nd Stage Turbine Blades

(g) Recheck the relative position of 2nd stage turbine blades at the TSLRPC intervals specified in Table 1 of this AD, using the mandatory ASBs indicated.

Credit for Previous Relative Position Checks

(h) Relative position checks of 2nd stage turbine blades done using Turbomeca Service Bulletin A292 72 0263, Update 1, 2, 3, or 4, may be used to show compliance with the initial requirements of paragraph (f) of this AD.

Initial Replacement of 2nd Stage Turbines on Arriel 1B, 1D, and 1D1 Engines

(i) Initially replace the 2nd stage turbine with a new or overhauled 2nd stage turbine as follows:

(1) On or before August 31, 2006, replace the 2nd stage turbine with a new or overhauled 2nd stage turbine:

(i) As soon as practicable after accumulating 1,500 hours TSN or TSO for Arriel 1D and 1D1 engines.

(ii) As soon as practicable after accumulating 2,200 hours TSN or TSO for Arriel 1B engines.

(2) After August 31, 2006, replace the 2nd stage turbine with a new or overhauled 2nd stage turbine:

(i) Before accumulating 1,500 hours TSN or TSO for Arriel 1D and 1D1 engines.

(ii) Before accumulating 2,200 hours TSN or TSO for Arriel 1B engines.

Repetitive Replacements of 2nd Stage Turbines on Arriel 1B, 1D, and 1D1 Engines

(j) Thereafter, replace the 2nd stage turbine with a new or overhauled 2nd stage turbine within every 1,500 hours TSN or TSO for Arriel 1D and 1D1 engines, and within every 2,200 hours TSN or TSO for Arriel 1B engines.

Criteria for Overhauled 2nd Stage Turbines

(k) Do the following to overhauled 2nd stage turbines, referenced in paragraphs (i) and (j) of this AD:

(1) You must install new blades in the 2nd stage turbines of overhauled Arriel 1D and 1D1 engines.

(2) You may install either overhauled or new blades in the 2nd stage turbines of overhauled Arriel 1B engines.

Relative Position Check Continuing Compliance Requirements

(l) All 2nd stage turbines, including those that are new or overhauled, must continue to comply with relative position check requirements of paragraphs (f) and (j) of this AD.

Alternative Methods of Compliance

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

Related Information

(n) DGAC airworthiness directive F–2004–047 R1, dated October 26, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(o) You must use the service information specified in Table 2 of this AD to perform the actions required by this AD. The Director of the **Federal Register** previously approved the incorporation by reference of the documents listed in Table 2 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of February 28, 2006 (71 FR 3754, January 24, 2006). Contact Turbomeca, 40220 Tarnos, France; telephone +33 05 59 74 40 00, fax +33 05 59 74 45 15, for a copy of this service information. You may review copies at the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001, on the Internet at *http://dms.dot.gov,* or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 2.—INCORPORATION BY REFERENCE

Turbomeca mandatory alert service bulletin No.	Page	Update No.	Date
A292 72 0807, Total Pages: 17	ALL	Original	March 24, 2004.
A292 72 0809, Total Pages: 18	ALL	1	October 4, 2005.
A292 72 0810, Total Pages: 14	ALL	Original	March 24, 2004.

Issued in Burlington, Massachusetts, on April 11, 2006.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E6–5646 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 700

[Docket No. 060215037–6037–01]

Defense Priorities and Allocations System (DPAS): Metalworking Machines

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Notice of inquiry.

SUMMARY: The Bureau of Industry and Security (BIS) is seeking public comments on the impact of the Defense Priorities and Allocations System (DPAS) set-aside for metalworking machines on industry (15 CFR 700.31). This notice of inquiry is part of an effort to collect information to assist in the preparation of revisions to the DPAS regulation (15 CFR part 700), including the possible elimination of the metalworking machines set-aside.

DATES: Comments must be received by May 17, 2006.

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

- *E-mail: DPAS@bis.doc.gov.* Include the phrase ''Metalworking Machines Notice of Inquiry'' in the subject line;
- *Fax:* (202) 482–5650 (Attn: Michael Vaccaro);
- *Mail or Hand Delivery/Courier:* Michael Vaccaro, U.S. Department of Commerce, Bureau of Industry and Security, Office of Strategic Industries and Economic Security, 1401 Constitution Avenue, NW., Room 3876, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Liam McMenamin, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, Phone: (202) 482–2233.

SUPPLEMENTARY INFORMATION:

Background

Under Title I of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061, *et seq.*), the President is authorized to require preferential acceptance and performance of contracts or orders supporting certain approved national defense and energy programs, and to allocate materials, services, and facilities in such a manner as to promote these approved programs. Additional priorities authority is found in section 18 of the Selective Service Act of 1948 (50 U.S.C. App. 468), 10 U.S.C. 2538, and 50 U.S.C. 82. DPAS authority has also been extended to support emergency preparedness activities under Title VI of the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act, as amended (45 U.S.C. 5914, *et seq.*) The President delegated DPAS authority to the Department of Commerce in Executive Order 12919 (June 3, 1994), and it was subsequently redelegated to the Bureau of Industry and Security.

Originally published in 1984, the DPAS regulation was revised on June 11, 1998 (63 FR 31918) to update, streamline, and clarify a number of provisions. Allocations rules like the DPAS (*i.e.*, controlled materials programs) were established in response to previous periods of national security emergency such as the Second World War and the Korean conflict to assure the availability of any scarce and critical item for approved programs. The basic elements of the controlled materials programs were set-asides (the amount of an item for which a producer or supplier must reserve order-book space in anticipation of the receipt of rated orders), production directives (requiring a producer to supply a specific quantity, size, shape, and type of an item within a specific time period), and allotments (the maximum quantity of an item authorized for use in a specific program or application).

Discussion and Request for Comments

Currently, the DPAS regulation includes a set-aside that applies to metalworking machines. Section 700.31 of the DPAS regulation states as follows:

''(c) A metalworking machine producer is not required to accept DO rated orders calling for delivery in any month of a total quantity of any size of machine in excess of 60 percent of scheduled production of that size of machine for that month, or any DO rated orders received less than three months prior to the beginning of the month for which delivery is requested. However, DX rated orders must be accepted without regard to a set-aside or the lead time, if delivery can be made by the required date.''

In pursuit of the DPAS mission, the Department of Commerce endeavors to minimize disruptions to the normal commercial activities of industry. In an effort to streamline the DPAS regulation, BIS is seeking comment on the impact of the DPAS's set-aside for metalworking machines on industry and the effect on industry of the possible elimination of this set-aside.

Submission of Comments

All comments must be submitted to the address indicated in this notice. The Department requires that all comments be submitted in written form.

The Department encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close on May 17, 2006. The Department will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public record. The Department will seek to protect such information to the extent permitted by law. All comments submitted in response to this notice will be made a matter of public record and will be available for public inspection and copying.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) Web site at *http://www.bis.doc.gov/foia*. This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this Web site, please call BIS's Office of Administration at (202) 482–1900 for assistance.

Dated: April 11, 2006.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. E6–5649 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. FHWA–FHWA–2006–23552]

RIN 2125–AF18

Construction and Maintenance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA proposes to revise certain provisions in 23 CFR part 635 subpart D to address section 5514 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) that requires the FHWA to ensure that the States provide for competition with respect to the specification of alternative types of culvert pipes. This action is in addition to the FHWA's guidance memoranda previously issued on this subject.

DATES: Comments must be received on or before June 16, 2006.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001, or submit electronically at *http://dmses.dot.gov/submit* or fax comments to (202) 493–2251.

Alternatively, comments may be submitted via the eRulemaking Portal at *http://www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form on all documents received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (Volume 65, Number 70, Pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Yakowenko, Office of Program Administration, (202) 366–1562 or Mr. Michael Harkins, Office of the Chief Counsel, (202) 366–4928, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may submit or retrieve comments online through the Document Management System (DMS) at: *http://dmses.dot.gov/submit.* The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site. An electronic copy of this document may also be downloaded by using the Internet to reach the Office of the Federal Register's Home page at: *http://www.archives.gov* or the Government Printing Office's Web page at: *http://www.access.gpo.gov/nara.*

Background

On May 11, 2005, the FHWA issued a policy memorandum to clarify the interpretation of our material or product selection policy regarding culvert pipes. Titled ''Guidance on Pipe Selection,'' [1] this memorandum stated that 23 CFR 635.411(d), Appendix A was not intended to limit or restrict the use of certain pipe materials in specific drainage installations, nor was it intended to prohibit the specifying of alternative materials when the appendix did not require it. The FHWA stated that it would consider further policy changes to clarify this issue following the enactment of reauthorization legislation.

On August 10, 2005, the President signed the SAFETEA–LU (Pub. L. 109–59; Aug. 10, 2005). Section 5514 of the SAFETEA–LU titled ''Competition for Specification of Alternative Types of Culvert Pipes,'' requires the Secretary of Transportation to ensure that States provide for competition with respect to the specification of alternative types of culvert pipes through requirements that are commensurate with competition requirements for other construction materials. This section requires the Secretary to accomplish this action not later than 180 days after the enactment of SAFETEA–LU (or by February 6, 2006).

On October 6, 2005, the FHWA issued a memorandum titled ''SAFETEA–LU

[1] See memorandum titled: ''Guidance on Pipe Selection,'' dated May 11, 2005, which is available on the FHWA's home page: *http://www.fhwa.dot.gov/programadmin/contracts/051105.cfm.*

Section 5514'' [2] to reaffirm the May 11, 2005, memorandum and comply with the requirements of section 5514. In this memorandum, the FHWA indicated that it would consider this issue and other potential revisions to 23 CFR part 635 during a future rule making.

In each of the above memoranda, we indicated that we would consider appropriate revisions to 23 CFR part 635 in a future rule making. Therefore, we are now proposing to amend 23 CFR 635.411 to implement these changes.

Proposed Changes

The FHWA proposes to revise its regulation for material and product selection in 23 CFR 635.411.

In § 635.411, we propose to delete paragraph (d) and re-designate paragraphs (e) and (f) as (d) and (e) respectively. We also propose to delete Appendix A to subpart D—''Summary of Acceptable Criteria for Specifying Types of Culvert Pipes'' in its entirety. Appendix A to subpart D of part 635 was officially incorporated into FHWA's regulations on September 30, 1974. Appendix A contained the requirements concerning the specification, number and types of culvert pipes specified on Federal-aid highway construction projects. These requirements were intended to encourage competition and lower the cost of culvert pipes by encouraging the consideration of alternate culvert pipe materials in certain drainage installations.

The FHWA's policies in 23 CFR subpart D—General Material Requirements support the competitive bidding principles in Title 23 U.S.C. 112 by providing for the broadest consideration of materials to encourage competition. Where alternative products are judged to be of satisfactory quality and equally acceptable on the basis of engineering and economic analysis, the FHWA requires equal consideration in the specification of materials. Therefore, to further implement the provisions of section 5514, and be consistent with the long-standing policy of ensuring the consideration of the largest number of appropriate alternatives that lead to the lowest overall life cycle cost, the FHWA is proposing to delete Appendix A to subpart D of 23 CFR part 635. This will eliminate the specific requirement for the consideration of alternative types of culverts for certain drainage installations. By doing so, the selection and specification of culvert types would be governed by the same regulatory policy for all other materials in 23 CFR 635.411 thus ensuring competition in the selection of pipes.

Rulemaking Analyses and Notices

All comments received on or before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to the late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

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

The FHWA has determined preliminarily that this action would not be a significant regulatory action within the meaning of Executive Order 12866, and within the meaning of the U.S. Department of Transportation's regulatory policies and procedures. We anticipate that the economic impact of this rulemaking would be minimal. These proposed changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes will not interfere with any action taken or planned by another agency and will not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

The proposed changes to the FHWA's Material or Product Selection policies are considered to be minor in nature. The proposed deletion of Appendix A to subpart D of 23 CFR part 635 eliminates the specific requirement for the consideration of alternative types of culverts for certain drainage installations. Culvert pipes will be subject to the same selection policies as all other highway materials and products.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), we have evaluated the effects of this action on small entities and have determined that the action would not have a significant economic impact on a substantial number of small entities. The proposed amendment addresses the obligation of Federal funds to States for Federal-aid highway projects. As such, it affects only States and States are not included in the definition of small entity set forth in 5 U.S.C. 601. Therefore, the Regulatory Flexibility Act does not apply, and the FHWA certifies that the proposed action would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995), as it will not result in the expenditure by State, local, tribal governments, or by the private sector, of $120.7 million or more in any one year (2 U.S.C. 1532 *et seq.*). Further, in compliance with the Unfunded Mandates Reform Act of 1995, the FHWA will evaluate any regulatory action that might be proposed in subsequent stages of the proceeding to assess the affects on State, local, and tribal governments and the private sector.

Additionally, the definition of ''Federal mandate'' in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13132 (Federalism)

This proposed action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and the FHWA has determined that this proposed action would not have a substantial direct effect or sufficient federalism implications on the States. The FHWA has also determined that this proposed action would not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

[2] See memorandum titled: ''SAFETEA–LU Section 5514,'' dated October 6, 2005, which is availale on the FHWA's home page: *http://www.fhwa.dot.gov/programadmin/contracts/100605.cfm.*

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), the FHWA must obtain approval from the Office of Management and Budget (OMB) for each collection of information we conduct, sponsor, or require through regulations. The FHWA has determined that this proposal does not contain a collection of information requirement for purposes of the PRA.

National Environmental Policy Act

The FHWA has analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and has determined that this proposed action would not have any effect on the quality of the environment.

Executive Order 12630 (Taking of Private Property)

The FHWA has analyzed this proposed rule under Executive Order 12630, Governmental Actions and Interface with Constitutionally Protected Property Rights. The FHWA does not anticipate that this proposed action would affect a taking of private property or otherwise have taking implications under Executive Order 12630.

Executive Order 12988 (Civil Justice Reform)

This action 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.

Executive Order 13045 (Protection of Children)

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. The FHWA certifies that this proposed action would not cause an environmental risk to health or safety that might disproportionately affect children.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this proposed action under Executive Order 13175, dated November 6, 2000, and believes that the proposed action would not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on Indian tribal governments; and would not preempt tribal laws. The proposed rulemaking addresses obligations of Federal funds to States for Federal-aid highway projects and would not impose any direct compliance requirements on Indian tribal governments. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

We have analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use dated May 18, 2001. 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 it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 635

Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

Issued on: April 11, 2006.

J. Richard Capka,

Acting Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend part 635 of title 23, Code of Federal Regulations, as follows:

PART 635—CONSTRUCTION AND MAINTENANCE

1. Revise the authority citation for part 635 to read as follows:

Authority: Sec. 5514 of Pub. L. 109–59, 119 Stat. 1144; 23 U.S.C. 101 (note), 109, 112, 113, 114, 116, 119, 128, and 315; 31 U.S.C. 6505; 42 U.S.C. 3334, 4601 *et seq.*; Sec. 1041(a), Pub. L. 102–240, 105 Stat. 1914; 23 CFR 1.32; 49 CFR 1.48(b).

§ 635.411 [Amended]

2. Amend 23 CFR 635.411 by removing paragraph (d) and redesignating paragraphs (e) and (f) as (d) and (e) respectively.

Subpart D—[Amended]

3. Amend 23 CFR Part 635, Subpart D by removing Appendix A to Subpart D.

[FR Doc. E6–5651 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–124988–05]

RIN 1545–BE72

Updated Mortality Tables for Determining Current Liability; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed rulemaking that relates to the affect plans sponsors and administrators, and participants in and beneficiaries of certain retirement plans under section 412(l)(7) of the Internal Revenue Code and section 302(d)(7) of the Employee Retirement Income Security Act of 1974.

DATES: The public hearing originally scheduled for Wednesday, April 19, 2006 at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Treena Garrett of the Publications and Regulations Branch, Associate Chief Counsel (Procedure and Administration) at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Friday, December 2, 2005 (70 FR 72260), announced that a public hearing was scheduled for Wednesday, April 19, 2006, at 10 a.m. in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 412 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Wednesday, March 29, 2006. Outlines of oral comments were due on Wednesday, March 29, 2006.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit outlines of the topics to be addressed. As of Friday,

April 7, 2006, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, April 19, 2006, is cancelled.

Guy R. Traynor,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E6–5630 Filed 4–14–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–06–023]

RIN 1625–AA08

Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for the ''Roar on the River Rampage'', a power boat race to be held on the waters of the Pasquotank River, Elizabeth City, North Carolina. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Pasquotank River adjacent to Clarksville, Virginia during the power boat race.

DATES: Comments and related material must reach the Coast Guard on or before May 17, 2006.

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, fax them to (757) 398–6203, or e-mail them to *Dennis.M.Sens@uscg.mil*. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, 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 above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398–6204.

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 (CGD05–06–023), 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.

We anticipate that if a Final Rule is issued time constraints will require us to provide less than a 30 day period before the rule becomes effective. Immediate action is needed to protect the safety of life at sea from the danger posed by high-speed power boats. For the safety concerns noted, it is in the public interest to have the regulations in effect during the event.

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 address listed 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 10 and 11, 2006, the Virginia Boat Racing Association will sponsor the ''Roar on the River Rampage'', on the waters of the Pasquotank River. The event will consist of approximately 60 inboard hydroplanes racing in heats counter-clockwise around an oval racecourse. A fleet of spectator vessels is anticipated to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of the Pasquotank River adjacent to Elizabeth City, North Carolina. The regulated area includes a section of the Pasquotank River approximately one mile long, and bounded in width by each shoreline. This rule would be enforced from 7:30 a.m. to 7 p.m. on June 10 and 11, 2006, and would restrict general navigation in the regulated area during the power boat race. The Coast Guard, at its discretion, when practical would allow the passage of vessels when races are not taking place. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area during the enforcement period. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

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 proposed regulation would prevent traffic from transiting a portion of the Pasquotank River adjacent to Elizabeth City, North Carolina during the event, the effect of this regulation would not be significant due to the limited duration that the regulated area would be in effect. Extensive advance notifications would be made to the maritime community via Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Vessel traffic would be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

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. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit this section of the Pasquotank River during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for only a short period, from 7:30 a.m. to 7 p.m. on June 10 and 11, 2006. The regulated area will apply to a segment of the Pasquotank River adjacent to the Elizabeth City waterfront. Marine traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area during the event, vessels will be required to proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. Before the enforcement period, we would issue maritime advisories so 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 the Coast Guard at the address listed under **ADDRESSES**. 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 an 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 concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical

Exclusion Determination'' are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 100.35–T05–023 to read as follows:

§ 100.35–T05–023 Pasquotank River, Elizabeth City, North Carolina.

(a) *Regulated area.* The regulated area is established for the waters of the Pasquotank River, adjacent to Elizabeth City, NC, from shoreline to shoreline, bounded on the west by the Elizabeth City Draw Bridge and bounded on the east by a line originating at a point along the shoreline at latitude 36°17′54″ N., longitude 76°12′00″ W., thence southwesterly to latitude 36°17′35″ N., longitude 76°12′18″ W., at Cottage Point. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the ''Roar on the River Rampage'' under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(c) *Special local regulations.* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must: (i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. to 7 p.m. on June 10 and 11, 2006.

Dated: March 31, 2006.

Larry L. Hereth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E6–5606 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–06–025]

RIN 1625–AA08

Special Local Regulations for Marine Events; Mill Creek, Fort Monroe, Hampton, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for the ''Hampton Cup Regatta'', a power boat race to be held on the waters of Mill Creek, near Fort Monroe, Hampton, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Mill Creek adjacent to Fort Monroe during the power boat race.

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 (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, fax them to (757) 398–6203, or e-mail them to *Dennis.M.Sens@uscg.mil.* The Compliance and Inspection Branch, Fifth Coast Guard District, 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 above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Compliance and Inspection Branch, at (757) 398–6204.

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 (CGD05–06–025), 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 address listed 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 August 18, 19 and 20, 2006, the Virginia Boat Racing Association will sponsor the ''Hampton Cup Regatta'', on the waters of Mill Creek adjacent to Fort Monroe, Hampton, Virginia. The event will consist of approximately 100 inboard hydroplanes racing in heats counter-clockwise around an oval racecourse. A fleet of spectator vessels is anticipated to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of Mill Creek adjacent to Fort Monroe, Hampton, Virginia. The regulated area is comprised of the southern section of Mill Creek approximately one half mile in length and width. This rule would be enforced from 7:30 a.m. to 6:30 p.m. on August

18, 19 and 20, 2006, and would restrict general navigation in the regulated area during the power boat race. The Coast Guard, at its discretion, when practical would allow the passage of vessels when races are not taking place. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area during the enforcement period. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

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 proposed regulation will prevent traffic from transiting a portion of Mill Creek during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect. Extensive advance notifications will be made to the maritime community via Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

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. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit this section of Mill Creek during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for only a short period, from 7:30 a.m. to 6:30 p.m. on August 18, 19 and 20, 2006. The regulated area will apply to the southerly segment of Mill Creek adjacent to Fort Monroe and the Route 258 bridge. Marine traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area during the event, vessels will be required to proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. Before the enforcement period, we would issue maritime advisories so 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 the Coast Guard at the address listed under **ADDRESSES.** 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 an 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 concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. Add temporary *§ 100.35–T06–025 to read as follows:*

§ 100.35–T06–025, Mill Creek, Fort Monroe, Hampton, Virginia.

(a) *Regulated area* The regulated area is established for the waters of Mill Creek, adjacent to Fort Monroe, Hampton, Virginia, enclosed by the following boundaries: to the north, a line drawn along latitude 37°01′00″ N., to the east a line drawn along longitude 76°18′30″ W., to the south a line parallel with the shoreline adjacent to Fort Monroe, and the west boundary is parallel with the Route 258—Mercury Boulevard Bridge. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Hampton Roads.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the ''Hampton Cup Regatta'' under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Hampton Roads.

(c) *Special local regulations.* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. to 6:30 p.m. on August 18, 19 and 20, 2006.

Dated: April 4, 2006.

Larry L. Hereth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E6–5605 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R06–OAR–2005–LA–0004; FRL–8158–9]

Approval of the Clean Air Act Section 112(l) Program for Hazardous Air Pollutants and Delegation of Authority to the State of Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Louisiana Department of Environmental Quality (LDEQ) has submitted a request for receiving delegation of EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). The requests apply to certain NESHAPs promulgated by EPA, as adopted by LDEQ through July 1, 2004 (40 CFR part 63 standards). The delegation of authority under this action does not apply to sources located in Indian Country. EPA is providing notice that proposes to approve the delegation of certain NESHAPs to LDEQ.

DATES: Written comments must be received on or before May 17, 2006.

ADDRESSES: Comments may be mailed to Mr. Jeff Robinson, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the Addresses section of the direct final rule located in the final rules section of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Robinson, Air Permits Section, Multimedia Planning and Permitting Division (6PD–R), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, at (214) 665–6435, or at *robinson.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving LDEQ's request for delegation of authority to implement and enforce certain NESHAPs for all sources (both part 70 and non-part 70 sources). LDEQ has adopted certain NESHAPs into Louisiana's state regulations. In addition, EPA is waiving its notification requirements so sources will only need to send notifications and reports to LDEQ.

The EPA is taking direct final action without prior proposal because EPA views this as a non-controversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the preamble to the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is published in the Rules section of this **Federal Register**.

Authority: 42 U.S.C. 7412.

Dated: April 7, 2006.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. 06–3636 Filed 4–14–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket No. 060405097–6097–01; I.D. 033006E]

RIN 0648–AU10

Sea Turtle Conservation; Modification to Fishing Activities

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to require that any offshore pound net leader in the Virginia waters of the mainstem Chesapeake Bay, south of 37° 19.0′ N. lat. and west of 76° 13.0′ W. long., and all waters south of 37° 13.0′ N. lat. to the Chesapeake Bay Bridge Tunnel at the mouth of the Chesapeake Bay, and the James and York Rivers downstream of the first bridge in each tributary during the period of May 6 through July 15 meet the definition of a modified pound net leader. Existing regulations prohibit all offshore pound net leaders in that area during that time frame. An offshore pound net leader refers to a leader with the inland end set greater than 10 horizontal feet (3 m) from the mean low water line. This action, taken under the Endangered Species Act of 1973 (ESA), responds to new information generated by gear research. It is intended to conserve sea turtles listed as threatened or endangered while enabling fishermen to use leaders, an important component of pound net gear, during the regulated period.

DATES: Comments on this action are requested, and must be received at the appropriate address or fax number (see **ADDRESSES**) by no later than 5 p.m., eastern daylight time, on May 2, 2006.

ADDRESSES: Written comments on this action may be submitted on this proposed rule, identified by RIN 0648–AU10, by any one of the following methods:

(1) E-mail: *poundnetmodification@noaa.gov*. Please include the RIN 0648–AU10 in the subject line of the message.

(2) Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instruction on the website for submitting comments.

(3) NMFS/Northeast Region Website: *http://www.nero.noaa.gov/nero/regs/com.html* Follow the instructions on the website for submitting comments.

(4) Mail: Mary A. Colligan, Assistant Regional Administrator for Protected Resources, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930, ATTN: Sea Turtle Conservation Measures, Proposed Rule

(5) Facsimile (fax): 978–281–9394, ATTN: Sea Turtle Conservation Measures, Proposed Rule

Copies of the Draft Environmental Assessment/Regulatory Impact Review and documents cited in the proposed rule can be obtained from *http://www.nero.noaa.gov/nero/regs/com.html* or by writing to Pasquale Scida, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Pasquale Scida (ph. 978–281–9208, fax 978–281–9394), or Therese Conant (ph. 301–713–2322, fax 301–427–2522).

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles are listed as threatened, except for populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. The term incidental take refers to takings of endangered and threatened species that result from, but are not the purpose of, an otherwise lawful activity. Under the ESA and its implementing regulations, taking endangered or threatened sea turtles - even incidentally - is prohibited, with exceptions identified in 50 CFR 223.206 for threatened sea turtles. The incidental take of endangered species may only legally be authorized by an incidental take statement or an incidental take permit issued pursuant to section 7 or 10 of the ESA, respectively.

Spring Sea Turtle Stranding Event

High strandings of threatened and endangered sea turtles are documented on Virginia beaches each spring and early summer. The magnitude of this stranding event has increased in recent years. During May and June, total reported Virginia sea turtle strandings were 84 in 1995, 85 in 1996, 164 in 1997, 183 in 1998, 129 in 1999, 161 in 2000, 256 in 2001, 180 in 2002, 312 in 2003, and 192 in 2004. In 2005, preliminary data indicate that 113 dead sea turtles stranded on Virginia beaches during May and June, with most of these occurring during the latter half of June. Strandings have also been elevated in July, generally the first half of the month. From 1996 to 2005, strandings were generally elevated during the first half of July, with an average of 21 strandings documented from July 1 to 15. In the latter half of July, strandings typically decrease; from 1996 to 2005, an average of 10 strandings were documented from July 16 to 31. In 2005, strandings were the lowest recorded since the mid–1990's.

Most of the documented stranded sea turtles in Virginia have been threatened

loggerheads, but endangered Kemp's ridley, green and leatherback sea turtles have also stranded. For example, preliminary strandings data from 2005 indicate that 85 percent of strandings were loggerheads, 10 percent were Kemp's ridley, 4 percent were leatherback and green were 0.5 percent. The majority of stranded turtles have been of the juvenile/immature life stage. Most of the stranded turtles reported in Virginia during the spring have been moderately to severely decomposed. For instance, in the spring of 2005, approximately 85 percent of the strandings were either moderately to severely decomposed, compared to approximately 1 percent that were fresh dead. The ability to conduct necropsies is compromised by the condition of the stranded animals, and severely decomposed turtles are not usually necropsied. The majority of the stranded turtles that were examined by necropsy in the spring of previous years had relatively good fat stores and full stomachs/digestive tracts, suggesting that the animals were in good health prior to their death.

While the distribution of sea turtle strandings in Virginia varies slightly from year to year, there has been a high concentration of stranded sea turtles found along the Eastern shore in recent years. A cause and effect relationship between pound net interactions and high spring strandings cannot be statistically derived based on the available data. However, NMFS has documented that fishing with pound net leaders results in lethal and non-lethal take of sea turtles. NMFS concluded that this constituted sufficient evidence to form the basis for past and current restrictions on pound net leaders.

Sea Turtle and Pound Net Interactions

Sea turtle entanglements in and impingements on pound net leaders have been documented in Virginia waters of Chesapeake Bay since the early 1980's (Bellmund et al., 1987; Lutcavage 1981). On June 17, 2002, based upon the best available information on sea turtle and pound net interactions at the time, NMFS issued an interim final rule that prohibited the use of all pound net leaders measuring 12 inches (30.5 cm) and greater stretched mesh and all pound net leaders with stringers in the Virginia waters of the mainstem Chesapeake Bay and portions of the Virginia tributaries from May 8 to June 30 each year (67 FR 41196). Included in this interim final rule was a year-round requirement for fishermen to report all interactions with sea turtles in their pound net gear to NMFS within 24 hours of returning from a trip, and a year-round requirement for pound net fishing operations to be observed by a NMFS-approved observer if requested by the Northeast Regional Administrator. The interim final rule also established a framework mechanism by which NMFS could make changes to the restrictions and/or their effective dates on an expedited basis in order to further protect sea turtles by responding to new information, such as the entanglement of a sea turtle in a pound net leader. As a result of sea turtle entanglements observed during the spring of 2003, NMFS issued a temporary final rule requiring removal of all pound net leaders throughout the Virginia Chesapeake Bay and portions of the tributaries from July 16 to July 30, 2003, pursuant to the framework mechanism of the 2002 interim final rule (68 FR 41942, July 16, 2003).

In 2002 and 2003, NMFS monitored pound nets in Virginia. The 2002 and 2003 monitoring results documenting sea turtle entanglement in and impingement on pound net leaders with less than 12 inches (30.5 cm) stretched mesh represented new information not previously considered in prior assessments of the Virginia pound net fishery. Entanglements in and impingements on these leaders appeared to be more of a significant problem than originally assessed. Based upon the results of pound net monitoring in 2002 and 2003, as well as additional information about the behavior of sea turtles in Chesapeake Bay, NMFS had sufficient evidence to conclude that further rulemaking was necessary.

NMFS issued a final rule on May 5, 2004 (69 FR 24997), that prohibited the use of offshore pound net leaders in a part of the Virginia Chesapeake Bay defined in that rule, which for purposes of this proposed rule will be called ''Pound Net Regulated Area I.'' The May 2004 rule also placed restrictions on nearshore pound nets in Pound Net Regulated Area I and on all pound nets employed in the remainder of the Virginia Chesapeake Bay, which for purposes of this proposed rule will be call ''Pound Net Regulated Area II.'' According to the 2004 rule, nearshore pound nets in Pound Net Regulated Area I and all pound nets in Pound Net Regulated Area II must have leaders with mesh size less than 12 inches (30.5 cm) stretched mesh and may not employ stringers. The 2004 final rule also modified the framework mechanism.

The previous monitoring efforts represent a minimum record of sea turtle entanglement and impingement. Sea turtles may be found throughout the water column, and green, Kemp's ridley and loggerhead sea turtles are primarily benthic foragers. Mansfield and Musick (2003) found that seven sea turtles (6 loggerheads and one Kemp's ridley), tracked in the Virginia Chesapeake Bay from May 22 to July 17, 2002, dove to maximum depths ranging from approximately 13.1 ft (4 m) to 41 ft (12.5 m). While the percentage of time sea turtles spend at the surface compared to at depth is still being clarified, sea turtles may be found throughout the water column. As pound net leader characteristics are generally consistent from the top of the leader to the bottom and monitoring the entire net profile has not been conducted full-time on each leader, it is probable that more sea turtles are in pound net leaders than are observed or reported.

NMFS continued to monitor pound nets during the 2004 spring season. In 2004, NMFS characterized 88 nets, 51 of which were active. Out of 1,190 surveys conducted, 4 sea turtles were observed to have been impinged or entangled in pound net leaders. Out of the four turtles that interacted with the pound net gear, one was released alive. Three of the four observed interactions occurred and were documented through the modified pound net leader experiment.

Modified Pound Net Leader Experiment

In 2004 and 2005, NMFS implemented a coordinated research program with pound net industry participants and other interested parties to develop and test a modified pound net leader design with the goal of eliminating or reducing sea turtle interactions while retaining an acceptable level of fish catch. The modified pound net leader design used in the experiment consisted of a combination of mesh and stiff vertical lines. The mesh size was equal to or less than 8 inches (20.3 cm). The mesh was positioned at a depth that was no more than one-third the depth of the water. The vertical lines were 5/16 inch (0.8 cm) in diameter strung vertically at a minimum of every 2 feet (61 cm) and attached to a top line. The vertical lines rose from the top of the mesh up to a top line to which they were attached. The stiffness of the vertical lines in the modified leader was achieved by coating them with paint in 2004 and using painted, twisted, hard lay lines in 2005. The design was based on the premise that the sea turtles would pass through the upper two-thirds of the leader, through the stiff vertical lines, without entangling in or impinging on the leader. The modified pound net leader was tested from May 17 to June

27 in 2004 and May 6 to June 29 in 2005. In 2004, four offshore pound nets were alternatively rigged with modified and unmodified leaders and two nearshore pound nets were rigged with unmodified leaders. Unmodified leaders are leaders that consist only of mesh from the seabed to the top line near the surface of the water. All pounds net leaders were monitored twice daily using visual and side scan sonar inspection to detect sea turtle interactions. In addition to the twice daily inspection of leaders for turtle interactions, a total of 61 pound net heart catch observations were made during the study period. In 2005, four offshore pound nets were tested. The nets were rigged alternatively with modified and unmodified leaders and were monitored twice daily for sea turtle interactions using visual and side scan sonar. A total of 54 pound net heart catch observations were conducted in addition to twice daily monitoring of the pound net leaders. The control leaders were removed from the water partway through the experiment in 2005 because the total number of sea turtles permitted to be taken during the research had been exceeded.

During the 2–year study, the modified leader was found to be effective in reducing sea turtle interactions as compared to the unmodified leader. The final results of the 2004 study found that out of eight turtles impinged on or entangled in the leaders of pound nets, seven were impinged on or entangled in an unmodified leader. One leatherback turtle was found entangled in a modified leader. In response to the leatherback entanglement, the gear was further modified by increasing the stiffness of the vertical lines for the 2005 experiment. Results from the 2005 experiment indicate that no sea turtles were found impinged on or entangled in the modified gear. In 2005, 15 turtles entangled in the leaders of unmodified leaders, and no turtles were found impinged on or entangled in modified leaders. Furthermore, results of the finfish catch comparison suggest that the modified leader caught similar quantities and size compositions as the unmodified leader. Although the unmodified leaders had to be pulled out of the water partway through the experiment in 2005, NMFS believes that the results of the modified leader experiment provide sufficient new information and justification to propose allowing the use of the modified leader.

It is possible that sea turtles may interact with the lower leader mesh because sea turtles in the lower Chesapeake Bay commonly make dives of over 40 minutes during the day (Byles 1988; Mansfield and Musick 2003b, 2004) and dive depths range from approximately 13.1 ft (4 m) to 41 ft (12.5 m) (Mansfield and Musick, 2003). However, all interactions during the 2005 modified leader experiment were recorded in the top portion of unmodified leaders (at depths within the top two-thirds of the depth of mean lower low water). No interactions were observed in the modified leader.

Impact of High Mortality on Sea Turtle Populations

The documented interactions between sea turtles and pound net leaders, as well as the annual Virginia spring strandings, are of concern for the following reasons: (1) all of the entangled, impinged and stranded animals are listed as either endangered or threatened under the ESA, which means these species are in danger of extinction or likely to become endangered in the foreseeable future; (2) the level of strandings in Virginia has been elevated the last 7 years, and there is no reason to believe that high spring strandings will abate in future years without continued monitoring, research and regulatory action; (3) sea turtles have been observed entangled in unmodified leaders; (4) sea turtles have been observed impinged on unmodified leaders by the current and impingements are likely to continue to occur on unmodified small mesh leaders in areas where impingements have been documented; (5) the greatest percentage of Virginia spring strandings in recent years has been along the southern tip of the Eastern shore, where a large number of pound nets are located; (6) approximately 50 percent of the Chesapeake Bay loggerhead foraging population is composed of the northern subpopulation, a subpopulation that may be declining; and (7) most of the stranded turtles have been juveniles, a life stage found to be critical to the long term survival of the species.

Most loggerheads in U.S. waters come from one of five genetically distinct nesting subpopulations. The largest loggerhead subpopulation, the South Florida subpopulation, occurs from 29°N. lat. on the east coast of Florida to Sarasota on the west coast and shows recent increases in numbers of nesting females based upon an analysis of annual surveys of all nesting beaches. However, a more recent analysis limited to nesting data from the Index Nesting Beach Survey program from 1989 to 2002, a period encompassing index surveys that are more consistent and more accurate than surveys in previous years, has shown no detectable trend (B. Witherington, Florida Fish and Wildlife Conservation Commission, pers. comm., 2002). The northern subpopulation, which nests from northeast Florida through North Carolina, is much smaller, and nesting numbers are stable or declining (TEWG 2000). Genetic studies indicate that approximately one-half of the juvenile loggerheads inhabiting Chesapeake Bay during the spring and summer are from the smaller, northern subpopulation (TEWG, 2000; Bass et al., 1998; Norrgard, 1995). Approximately 3,800 nesting females are estimated for the northern subpopulation of loggerhead sea turtles (TEWG, 2000). The impact of the high level of mortality experienced by loggerhead turtles each spring off Virginia on the population's ability to recover is of significant concern. The northern subpopulation produces 65 percent males, while the South Florida subpopulation is estimated to produce 20 percent males (NMFS SEFSC, 2001). As males do not appear to show the same degree of site fidelity as females, the high proportion of males produced in the northern subpopulation may be an important source of males for all loggerheads inhabiting the Atlantic. The loss of the male contribution from the northern subpopulation may restrict gene flow and result in a loss of genetic diversity to the loggerhead population as a whole. The loss of females from the northern subpopulation may preclude future reproduction, reducing the likelihood of both future survival and recovery of the northern subpopulation of loggerheads. Given the vulnerability of these subpopulations to chronic impacts from human-related activities, the high level of spring sea turtle mortality in Virginia must be reduced to help ensure that these subpopulations of loggerheads will recover. One way to reduce such mortality is to reduce sea turtle mortality caused by pound net leaders.

Most of the turtles stranding in Virginia waters during the spring are of the juvenile/immature life stages. The specific age at maturity for most sea turtles is unknown; the age of maturity for loggerheads occurs from approximately 21–35 years (TEWG, 2000). Studies have concluded that sea turtles must have high annual survival as juveniles and adults to ensure that sufficient numbers of animals survive to reproductive maturity to maintain stable populations (Crouse *et al.*, 1987; Crowder *et al.*, 1994; Crouse, 1999). Given their long maturation period, relatively small decreases in annual survival rates of both juvenile and adult loggerhead sea turtles may destabilize the population, thereby potentially

reducing the likelihood of survival and recovery of the population. As such, the historical high level of mortality observed in Virginia plus the increase in loggerhead mortality documented during the last several years may negatively affect the recovery of the loggerhead population.

The Proposed Action

The boundaries of the two regulated areas defined in the 2004 rule remain the same for this action. This action proposes a non-substantive, technical change to the definition of the regulated areas that would merely apply titles to the areas to reduce confusion. *Pound Net Regulated Area I* means Virginia waters of the mainstem Chesapeake Bay, south of 37° 19.0′ N. lat. and west of 76° 13.0′ W. long., and all waters south of 37° 13.0′ N. lat. to the Chesapeake Bay Bridge Tunnel (extending from approximately 37° 05′ N. lat., 75° 59′ W. long. to 36 55′ N. lat., 76° 08′ W. long.) at the mouth of the Chesapeake Bay, and the portion of the James River downstream of the Hampton Roads Bridge Tunnel (I–64; approximately 36° 59.55′ N. lat., 76° 18.64′ W. long.) and the York River downstream of the Coleman Memorial Bridge (Route 17; approximately 37° 14.55′ N. lat, 76° 30.40′ W. long.). *Pound Net Regulated Area II* means Virginia waters of the Chesapeake Bay outside of Regulated Area I defined above, extending to the Maryland-Virginia State line (approximately 37 55′ N. lat., 75 55′ W. long.), the Great Wicomico River downstream of the Jessie Dupont Memorial Highway Bridge (Route 200; approximately 37° 50.84′ N. lat, 76° 22.09′ W. long.), the Rappahannock River downstream of the Robert Opie Norris Jr. Bridge (Route 3; approximately 37° 37.44′ N. lat, 76° 25.40′ W. long.), and the Piankatank River downstream of the Route 3 Bridge (approximately 37° 30.62′ N. lat, 76° 25.19′ W. long.) to the COLREGS line at the mouth of the Chesapeake Bay.

The boundaries of the regulated areas defined in the current regulations were determined based on a combination of the locations of observed sea turtle entanglements in or impingements on pound net leaders and the area in which sea turtles may face a greater risk of entanglement in or impingement on pound net leaders due to environmental conditions. Previous research and monitoring indicate that geographic location, which is a proxy for other environmental factors such as temperature and current, may play an important role in the risk of sea turtle entanglement and impingement.

As previously mentioned, this proposed rule does not set forth any substantive changes to the boundaries of the two regulated areas that have already been established in existing regulations. The only substantive change proposed through this action is to replace the existing prohibition on all offshore pound net leaders in Pound Net Regulated Area I during the period of May 6 through July 15 with a provision that requires any offshore pound net leader set in Pound Net Regulated Area I during the period of May 6 through July 15 to meet the definition of a modified pound net leader. In other words, if a fisherman chooses to use an offshore pound net leader in Pound Net Regulated Area I from May 6 through July 15, that offshore pound net leader must meet the definition of a modified pound net leader.

A modified pound net leader is defined as a pound net leader that is: (1) affixed to or resting on the sea floor; (2) made of a lower portion of mesh and an upper portion of only vertical lines such that (a) the mesh size is equal to or less than 8 inches (20.3 cm) stretched mesh; (b) at any particular point along the leader the height of the mesh from the seafloor to the top of the mesh must be no more than one-third the depth of the water at mean lower low water directly above that particular point; (c) the mesh is held in place by vertical lines that extend from the top of the mesh up to a top line, which is a line that forms the uppermost part of the pound net leader; (d) the vertical lines are equal to or greater than 5/16 inch (0.8 cm) in diameter and strung vertically at a minimum of every 2 feet (61 cm); and (e) the vertical lines are hard lay lines.

The specifications for the experiments in 2004 and 2005 did not indicate that the height of the mesh must be no more than one-third the depth of the water at mean lower low water. Instead, the specifications only indicated that the height of the mesh is restricted to one-third the depth of the water. However, for purposes of rulemaking, it is important to indicate a common reference point against which the depth of the water may be measured, such as mean lower low water. During the preparation of this proposed rule, NMFS staff confirmed with two participants in the experiment that the modified pound net leaders they used were constructed in, or close to, that manner. Therefore, NMFS proposes to state in the definition of a modified pound net leader that the height of the mesh from the seafloor at any particular point must be no more than one-third the depth of the water at mean lower low water at any time during the tidal cycle throughout the regulated period. For example, if a modified leader is set in water that ranges from 10 m to 30 m deep at mean lower low water, the mesh panel would be 10 m high at the deep end and would taper to 3.3 m high at the shallow end.

In the definition of ''modified pound net leader,'' NMFS proposes to state that the vertical lines must be hard lay lines. ''Hard lay'' is a technical term used by the cordage industry to describe line that is purposefully made to be stiff. Line is usually made stiff by choosing a material that is stiff, twisting the line material, and/or providing a coating to the line such as paint. Given the various factors that contribute to the degree of stiffness in the line, NMFS is seeking comment on how better to define 'hard lay' and establish a standard for fishermen to use in the pound net leader. Furthermore, while the vertical lines used in the modified leader design meet the definition of a ''stringer'' in a pound net leader, they cannot be treated separately from the overall design and construction of the modified leader (i.e., line specification, distance apart, and dropped mesh) and therefore NMFS has chosen to refer to them just as ''vertical lines.'' However, because these vertical lines do meet the definition of ''stringer,'' and stringers are prohibited under existing regulations in nearshore leaders in Pound Net Regulated Area I and all leaders in Pound Net Regulated Area II, the modified pound net leader would also be prohibited from being used in nearshore leaders in Pound Net Regulated Area I and all leaders in Pound Net Regulated Area II under the proposed action.

According to this proposed rule, if a fisherman chooses to use an offshore pound net leader in Pound Net Regulated Area I at any time from 12:01 a.m. local time on May 6 through 11:59 p.m. local time on July 15 each year that offshore pound net leader must meet the definition of a modified pound net leader. Existing mesh size and stringer restrictions on nearshore pound net leaders in the area to be called Pound Net Regulated Area I and on all pound net leaders in the area to be called Pound Net Regulated Area II would remain in place and are not affected substantially by this proposed rule. The year round reporting and monitoring requirements for this fishery and the framework mechanism under the existing regulations also remain in effect. This action would be implemented under the authority of the ESA sections 4(d) and 11(f) and is appropriate to conserve threatened and endangered sea turtles and to enforce the provisions of the ESA, including the

prohibition on takes of endangered sea turtles.

NMFS plans to continue analyzing the potential natural and anthropogenic sources of sea turtle mortality in Virginia waters. As part of this larger initiative, NMFS intends to continue to closely monitor sea turtle stranding levels and other fisheries active in the Chesapeake Bay and the Atlantic Ocean off Virginia. Additionally, in the near future, NMFS plans to evaluate the impacts of all fishing gear types on sea turtles throughout the Atlantic and Gulf of Mexico, as part of the Strategy for Sea Turtle Conservation and Recovery in Relation to Atlantic Ocean and Gulf of Mexico Fisheries (NMFS, 2001).

NMFS is seeking public comments on requiring the use of the modified pound net leader design in any pound net leader set within the geographic range of the fishery in Virginia waters (non-preferred alternative 2) during the period of May 6 through July 15. NMFS is seeking comment and information on the definition of 'hard lay' to ensure that a minimum degree of stiffness is achieved in the modified pound net leader. NMFS will consider comments on this topic as well as new developments in the scientific information base during the preparation of the final rule for this action.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS has prepared an initial regulatory flexibility analysis that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of the preamble and in the SUMMARY section. A summary of the analysis follows:

The fishery affected by this proposed rule is the Virginia pound net fishery in the Chesapeake Bay. The proposed action would require any offshore pound net leader set in Pound Net Regulated Area I on May 6 through July 15 each year to meet the definition of a modified pound net leader. Non-preferred alternative 1 (NPA 1) would maintain the current regulations, including a prohibition on the use of offshore pound net leaders in Pound Net Regulated Area I, and would prohibit leaders with stretched mesh greater than or equal to 12 inches (30.5 cm) and leaders with stringers in the remainder of the Virginia Chesapeake Bay during the period of May 6 through July 15 each year. Non-preferred alternative 2 (NPA 2) would require any pound net leader used during the period of May 6 through July 15 in either Pound Net Regulated Area I or Pound Net Regulated Area II to be a modified pound net leader. Non-preferred alternative 3 (NPA 3) is similar to the proposed action, but would require the modified pound net leader design to be used in any offshore leader, any nearshore leader would still be required to use stretched mesh less than 12 inches (30.5 cm), and any stringers would be prohibited on nearshore leaders.

The two areas of the Virginia Chesapeake Bay designated as Pound Net Regulated Areas I and II differ from the areas used in the economic analysis due to data limitations. The VMRC pound net fishery data is linked to water bodies, which do not map directly to the Pound Net Regulated Areas. To highlight this difference, an alternative nomenclature is used, specifically ''upper'' and ''lower'' Bay. Landings and revenues for the lower Bay are biased upward based upon the data limitations.

According to the 2004 VMRC data, there are 21 harvesters actively fishing pound nets from May 6 to July 15 within the regulated part of Chesapeake Bay, with 5 harvesters located in the lower portion of Chesapeake Bay and 16 harvesters located in the upper portion of the Virginia Chesapeake Bay. These 21 harvesters fish approximately 29 pound nets in the upper portion of the Virginia Chesapeake Bay (= 16 harvesters x 1.8 pound nets/harvester) and 17 pound nets in the lower portion of the Virginia Chesapeake Bay (=5 harvesters x 3.4 pound nets/harvester). Based on 2000 to 2004 data, annual landings per harvester were 267,076 pounds (120,184 kg) in the upper portion of the Virginia Chesapeake Bay and 206,269 pounds (92,821 kg) in the lower portion of the Virginia Chesapeake Bay. Annual revenues per harvester were $55,772 and $79,503 in the upper and lower region, respectively. From May 6 to July 15, landings per harvester were 100,849 pounds (45,382 kg) in the upper region and 98,339 pounds (44,253 kg) in the lower region. Estimated revenues per harvester for that period were $20,323 and $40,187 in the upper and lower region, respectively.

Of the 17 pound nets fished by 5 fishermen in the lower Bay from May 6 to July 15, 41 percent of these nets (7) would be classified as having offshore leaders and would fall within Pound Net Regulated Area I and would be subject to the proposed gear modification. For offshore fishermen in the lower Bay, there would be considerable net benefits from being allowed to fish using the modified leader during the regulated period. Based on 2004 data, out of the five fishermen that would be affected, three fishermen (with two nearshore nets and one offshore net each) would recapture approximately $13,408 of revenues foregone under the current regulations (16.9 percent of annual revenues), while two fishermen (with two nearshore nets and two offshore nets each) would see an increase of $26,816 in revenues (33.7 percent of annual revenues). The remainder of fishermen in the upper Bay (16) would be subject to status quo regulations (current regulations, less than 12'' stretched mesh and no stringers) and would not incur any additional costs to comply with the proposed action.

NPA 1, the no action alternative, would maintain status quo conditions in the upper Bay, and would not result in additional costs or benefits. NPA 2 and NPA 3 would require any pound net leader to use the modified pound net leader design in a larger geographic area as compared to the proposed action. As such, the impacts of those non-preferred alternatives would include the cost of modifying leaders in the upper Bay area as compared to the proposed action and NPA 1.

NPA 2 would impact all pound net fishermen in the Virginia Chesapeake Bay during the regulated period. For lower Bay fishermen, NPA 2 would result in an increase in net revenues, as the opportunity to fish offshore pound net leaders during the regulated period more than off-sets the costs of modifying their leaders. For the five lower Bay fishermen the increase in net revenues would range from $9,548 to $22,956, or between 12.0 percent and 28.9 percent of annual revenues. The total net increase in revenues for the lower Bay would be $74,556 (=[3 harvesters x $9,548]+[2 harvesters x $22,956]). For upper Bay fishermen there would only be costs to modify their leaders, as compared to existing regulations (NPA 1). The costs would range from $2,002 to $4,004 to fabricate and install the modified leaders, or 3.6 percent to 7.2 percent of annual revenues, with a total cost of $57,770 (=[4 harvesters x $3,932]+[3 harvesters x $2,002]+[9 harvesters x $4,004]). Based on the 2004 Northeast Fisheries Science Center gear survey, 85 percent of the upper Bay pound nets were offshore, for a total of 25 offshore pound nets and 4 nearshore pound nets. For the four fishermen with one offshore and one nearshore pound net the total cost of NPA 2 over current regulations is $3,932 (=$2,002+$1,930) or 7.1 percent of annual revenues

(=$3,932/$55,772). For the three fishermen with only a single offshore pound net the cost is $2,002 or 3.6 percent of annual revenues (=$2,002/$55,772). For the nine fishermen with two offshore pound nets the total cost is $4,004 or 7.2 percent of annual revenues (=$4,004/$55,772). Overall the increase in net revenues for offshore fishermen in the lower Bay would off-set the increase in costs for other fishermen to modify their leaders on all other pound nets. The industry would see a net increase in revenue of $16,786, or 0.8 percent of 2004 pound net revenues (=$0.017M/$2.187M). However, as explained above, NMFS recognizes that NPA 2 would impose costs on the upper Bay fishermen without a corresponding increase in revenues.

Implementation of the NPA 3 would also impact all pound net fishermen in the Virginia Chesapeake Bay during the regulated period. For the five lower Bay fishermen, the net revenue increase would range from $13,408 to $26,816 or an increase in net revenues of 16.9 percent to 33.7 percent of annual revenues. For 16 upper Bay fishermen affected by this alternative, the cost over the current regulations would be from $2,002 to $4,004 or 3.6 percent to 7.2 percent of annual revenues. The total impact to the pound net industry would be positive as there would be an increase in net revenues over the status quo (NPA 1). The total increase in net revenues for lower Bay fishermen would be $93,856 (=[3 harvesters x $13,408]+[2 harvesters x $26,816]), while the total cost to the upper Bay fishermen would be $50,050 (=[7 harvesters x $2,002]+[9 harvesters x $4,004]). This provides a net increase in industry revenues of $43,806 or 2.0 percent of 2004 industry revenues (=$0.044 M/$2.187 M). Again, however, NMFS recognizes that costs would be imposed upon upper Bay fishermen without a corresponding increase in revenues under NPA 3.

In the lower portion of the Virginia Chesapeake Bay, where all offshore leaders are prohibited under the current regulations, all five harvesters would be impacted under all of the alternatives. With the proposed action, annual revenues per harvester would be increased between 16.9 percent and 33.7 percent. The proposed action and NPA 3 would result in the same economic benefit on lower Bay fishermen. The economic benefit under NPA 2 to lower Bay fishermen would be less compared to the proposed action (net increase of 12 percent to 28.9 percent), because the increase in revenues to offshore pound nets in the lower Bay is offset by the requirement for nearshore pound net leaders in this area to obtain and use the modified pound net leader. In the upper Bay area, the NPAs 2 and 3 would reduce annual revenues per harvester by 3.6 percent to 7.2 percent, depending on the ratio of offshore to nearshore pound net leaders fished by each harvester. Taking no action (NPA 1) would not have economic consequences or benefits.

In 2004, industry revenues for the regulated part of the Virginia Chesapeake Bay were $2.2 M for the pound net fishery. Industry profits would be increased by 4.3 percent (=$0.094 M/$2.2 M) under the proposed action. Under the NPA 2 and NPA 3, 21 of 21 fishermen are affected, and industry profits are increased by 0.8 percent (=$0.0.017 M/$2.2 M) and 2.0 percent (=$0.0.044 M/$2.2 M), respectively. As NPA 1 is the status quo, it is the basis against which the other alternatives are evaluated and would not result in industry costs or benefits.

This action does not propose new reporting or record keeping requirements.

This proposed rule does not duplicate, overlap or conflict with other Federal rules.

List of Subjects

50 CFR Part 222

Endangered and threatened species, Exports, Reporting and Recordkeeping requirements.

50 CFR Part 223

Endangered and threatened species, Exports, Transportation.

Dated:April 12, 2006.

James W. Balsiger,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For reasons stated in the preamble, 50 CFR part 222 is proposed to be amended as follows:

PART 222—GENERAL ENDANGERED AND THREATENED MARINE SPECIES

1. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*; 31 U.S.C. 9701.

2. In § 222.102, the definition of ''Pound Net Regulated Area I'' and ''Pound Net Regulated Area II'' and ''Modified pound net leader'' are added in alphabetical order to read as follows:

§ 222.102 Definitions.

* * * * *

Modified pound net leader means a pound net leader that is affixed to or resting on the sea floor and made of a lower portion of mesh and an upper portion of only vertical lines such that: the mesh size is equal to or less than 8 inches (20.3 cm) stretched mesh; at any particular point along the leader the height of the mesh from the seafloor to the top of the mesh must be no more than one-third the depth of the water at mean lower low water directly above that particular point; the mesh is held in place by vertical lines that extend from the top of the mesh up to a top line, which is a line that forms the uppermost part of the pound net leader; the vertical lines are equal to or greater than 5/16 inch (0.8 cm) in diameter and strung vertically at a minimum of every 2 feet (61 cm); and the vertical lines are hard lay lines.

* * * * *

Pound Net Regulated Area I means Virginia waters of the mainstem Chesapeake Bay, south of 37° 19.0′ N. lat. and west of 76° 13.0′ W. long., and all waters south of 37° 13.0′ N. lat. to the Chesapeake Bay Bridge Tunnel (extending from approximately 37° 05′ N. lat., 75 59′ W. long. to 36° 55′ N. lat., 76° 08′ W. long.) at the mouth of the Chesapeake Bay, and the portion of the James River downstream of the Hampton Roads Bridge Tunnel (I–64; approximately 36° 59.55′ N. lat., 76° 18.64′ W. long.) and the York River downstream of the Coleman Memorial Bridge (Route 17; approximately 37°14.55′ N. lat, 76°30.40′ W. long.)

* * * * *

Pound Net Regulated Area II means Virginia waters of the Chesapeake Bay outside of Regulated Area I defined above, extending to the Maryland-Virginia State line (approximately 37° 55′ N. lat., 75° 55′ W. long.), the Great Wicomico River downstream of the Jessie Dupont Memorial Highway Bridge (Route 200; approximately 37° 50.84′ N. lat, 76° 22.09′ W. long.), the Rappahannock River downstream of the Robert Opie Norris Jr. Bridge (Route 3; approximately 37° 37.44′ N. lat, 76° 25.40′ W. long.), and the Piankatank River downstream of the Route 3 Bridge (approximately 37 30.62′ N. lat, 76° 25.19′ W. long.) to the COLREGS line at the mouth of the Chesapeake Bay.

* * * * *

For the reasons set forth in the preamble, 50 CFR part 223 is proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. In § 223.206, paragraph (d)(10) is revised to read as follows:

§ 223.206 Exemptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(10) *Restrictions applicable to pound nets in Virginia*–(i) Offshore pound net leaders in Pound Net Regulated Area I. During the time period of May 6 through July 15 each year, any offshore pound net leader in Pound Net Regulated Area I must meet the definition of a modified pound net leader. Any offshore pound net leader in Pound Net Regulated Area I that does not meet the definition of a modified pound net leader must be removed from the water prior to May 6 and may not be reset until July 16.

(ii) Nearshore pound net leaders in Pound Net Regulated Area I and all pound net leaders in Pound Net Regulated Area II. During the time period of May 6 to July 15 each year, any nearshore pound net leader in Pound Net Regulated Area I and any pound net leader in Regulated Area II must have only mesh size less than 12 inches (30.5 cm) stretched mesh and may not employ stringers. Any nearshore pound net leader in Regulated Area I or any pound net leader in Regulated Area II with stretched mesh measuring 12 inches (30.5 cm) or greater, or with stringers, must be removed from the water prior to May 6 and may not be reset until July 16.

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[FR Doc. E6–5686 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 71, No. 73

Monday, April 17, 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

Natural Resources Conservation Service

Highline Canal/Black Point Pipeline Project, UT; Environmental Statements

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Natural Resources Conservation Service (NRCS), has prepared an Environmental Assessment in compliance with the National Environmental Policy Act (NEPA), as amended, the implementing regulations for NEPA (40 CFR parts 1500–1508), and NRCS policy. The Highline Canal/Black Point Pipeline Project is a federally assisted action authorized as a Congressional Earmark. The Environmental Assessment was developed in coordination with Wayne County Commission and the Fremont River Irrigation Company. Upon review of the Environmental Assessment, the State Conservationist for NRCS, Utah, made a Finding of No Significant Impact (FONSI) and the determination was made that no environmental impact statement is required to support the project. Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Highline Canal/Black Point Pipeline Project. Written comments regarding this action may be submitted to: Sylvia Gillen, State Conservationist, USDA/NRCS, Wallace F. Bennett Federal Building, 125 South State Street, Room 4402, Salt Lake City, UT 84138–1100. Comments must be received no later than 30 days after this notice is published.

DATES: *Effective Date:* April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Sylvia Gillen, State Conservationist, Natural Resources Conservation Service, Wallace F. Bennett Federal Building, 125 South State Street, Room 4402, Salt Lake City, Utah 84138–1100; telephone (801) 524–4550.

SUPPLEMENTARY INFORMATION: The Environmental Assessment of this federally assisted action documents that the project will not cause significant local, regional, state, or national impacts on the human environment. The findings of Sylvia Gillen, State Conservationist, indicate that the preparation and review of an environmental impact statement is not needed for this project.

The objectives of the proposed project are:

- To stop the earthen canal from leaking.
- To eliminate potential economic losses associated with a canal failure.

The proposed action is to pipe a 3880 foot section of the Highline Canal in the area of Black Point, a locally-named geologic landmark located northeast of the town of Loa in Wayne County, Utah. The existing earthen canal leaks and has failed a number of times in the past. The proposed action would replace the existing canal with a 60 inch diameter pipeline. A settling pond and inlet structure are also proposed to remove sediment and debris before it goes into the pipeline. Twenty-four acres of riparian restoration would occur along the Fremont River.

Copies of the FONSI and Environmental Assessment are available by request from Sylvia Gillen, Utah State Conservationist. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Sylvia Gillen, Utah State Conservationist. Requests may be submitted to: Sylvia Gillen, State Conservationist, Natural Resources Conservation Service, Wallace F. Bennett Federal Building, 125 South State Street, Room 4402, Salt Lake City, Utah 84138–1100; telephone (801) 524–4550.

No administrative action on implementation of this project will be taken until 30 days after the date of this notice is published.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.902, Soil and Water Conservation and Environmental Quality Incentive Program 10.912.)

Signed in Salt Lake City, Utah on April 7, 2006.

Sylvia A. Gillen,

State Conservationist.

[FR Doc. E6–5616 Filed 4–14–06; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Funding Opportunity: Section 525 Technical and Supervisory Assistance (TSA) Grants

Announcement Type: Initial notice of Funds Availability (NOFA) inviting applications from qualified organizations for Fiscal Year 2006 funding.

Catalog Of Federal Domestic Assistance Number (CFDA): 10.441.

SUMMARY: The Rural Housing Service, an agency under USDA, Rural Development announces it is soliciting competitive applications under its Technical and Supervisory Assistance (TSA) grant program. Grants will be awarded to eligible applicant organizations to conduct programs of technical and supervisory assistance for low-income rural residents to obtain and/or maintain occupancy of adequate housing.

DATES: The deadline for receipt of preapplication proposals by USDA, Rural Development State Offices is the close of business on May 17, 2006. Preapplications received after May 17, 2006 will not be considered for funding. Within 30 days after the closing date, each State Director will forward to the National Office the original preapplication(s) and supporting documents of the selected applicant. State Directors will be advised of the National Office's action on their selected preapplications.

FOR FURTHER INFORMATION CONTACT: Nica Mathes, Senior Loan Specialist, USDA Rural Development, Single Family Housing Direct Loan Division, Special Programs and New Initiatives Branch, Mail Stop 0783, Room 2206–S, 1400 Independence Avenue, SW., Washington, DC 20250–0783, phone: (202) 205–3656 or (202) 720–1474, e-mail: *nica.mathes@wdc.usda.gov*, or FAX: (202) 720–2232.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Overview

This notice is published as required by 7 CFR 1944.525 (b) and 1944.528, which state that the housing programs Administrator must provide annual notice in the **Federal Register** on the distribution of appropriated TSA funds, the number of preapplications to be submitted to the National Office from the State Offices, the maximum grant amount per project, and the dates governing the review and selection of TSA grant preapplications.

Complete agency regulations for the TSA program are contained in RD Instruction 1944–K, accessible online at *http://www.rurdev.usda.gov/regs*, and in 7 CFR part 1944, subpart K, and are incorporated by reference.

Up to $1,000,000 in competitive grants will be awarded to eligible applicants. No single award will exceed $100,000.

In accordance with 7 CFR 1944.525, the housing programs Administrator will distribute a portion of the funds to those States with the highest degree of substandard housing and persons in poverty in rural areas eligible to receive housing assistance. These States are: Alabama, Louisiana, Mississippi, and Texas. Up to $400,000 will be targeted to eligible TSA programs in these States. Remaining funds will be available for national competition. No more than one grant per State and/or applicant will be awarded.

The State Director may submit multiple preapplications, ranked in order of preference, to the National Office for consideration.

The performance period of grant activities will be two years from the date the grant agreement is executed.

Reimbursement of pre-award costs is not allowed.

To be eligible for a grant, the applicant must be a nonprofit corporation, agency, institution, organization, Indian tribe or other association. A private nonprofit corporation, which is owned and controlled by private persons or interests, must have local representation from the area being served, be organized and operated by private persons or interests for purposes other than making gains or profits for the corporation, and be legally precluded from distributing any gains or profits to its members. Faith-based organizations that meet these requirements may apply. Cost sharing is not required but is encouraged. In the selection of grant recipients, the Agency will consider the extent to which the project will make use of other financial and contribution-in-kind resources for both technical and supervisory assistance and housing development and supporting facilities. Applications and complete program instructions are available at any Area Office listed on the USDA Rural Development Web site at *http://www.rurdev.usda.gov.* Federal grant application forms are available in electronic format at *http://www.whitehouse.gov/omb/grants/grants_forms.html.*

Program Administration

I. Funding Opportunity Description

Under Section 525 (a) of the Housing Act of 1949, 42 U.S.C. 1490e (a), Rural Development provides funds to eligible applicants to conduct TSA programs for low-income rural residents to obtain and/or maintain occupancy of adequate housing. Any processing or servicing activity involving authorized assistance to USDA Rural Development employees, members of their families, known close relatives, or business or close personal associates, is subject to the provisions of 7 CFR part 1900, subpart D. Applicants for this assistance are required to identify any known relationship or association with a USDA Rural Development employee. This financial assistance may pay part or all of the cost of developing, conducting, administering, or coordinating effective and comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and families in benefiting from Federal, State, and local programs in rural areas. USDA Rural Development will provide technical and supervisory grant assistance to applicants without discrimination because of race, color, religion, sex, national origin, age, marital status, or physical or mental disability.

Policy: The policy of USDA Rural Development is to provide technical and supervisory assistance to eligible applicants to do the following:

(1) Provide homeownership and financial counseling to reduce both the potential for delinquency by loan applicants and the level of payment delinquency by present Rural Development housing loan borrowers; and

(2) Facilitate the delivery of housing programs to serve the most needy low-income families in rural areas of greatest need for housing.

Rural Development intends to fund projects which include counseling and delivery of housing programs.

State Directors are given a strong role in the selection of grantees so this program can complement Rural Development's policies of targeting USDA Rural Development resources to areas of greatest need within their States.

Objectives: The objectives of the TSA Grant Program are to assist low-income rural families in obtaining adequate housing to meet their family's needs and/or to provide the necessary guidance to promote their continued occupancy of already adequate housing. These objectives will be accomplished through the establishment or support of housing delivery and counseling projects run by eligible applicants. This program is intended to make use of any available housing program which provides the low-income rural resident access to adequate rental properties or homeownership.

Definitions: References to Local, Area, State, National and Rural Development St. Louis Offices and to State Director, and Administrator refer to USDA Rural Development offices and officials and should be read as prefaced by USDA Rural Development. Terms used here have the following meanings:

Adequate housing. A housing unit of adequate size and design to meet the specific needs of low-income families and the requirements governing the particular housing program providing the services or financial assistance.

Applicant or grantee. Any eligible organization which applies for or receives TSA funds under a grant agreement.

Grant agreement. The contract between Rural Development and the applicant which sets forth the terms and conditions under which TSA funds will be made available.

Low-income family. Any household, including those with one member, whose adjusted annual income, computed in accordance with 7 CFR 3550.54 (c), does not exceed the Housing and Urban Development (HUD) established low-income limit (generally 80 percent of the median income adjusted for household size) for the county or Metropolitan Statistical Area where the property is or will be located.

Organization. Public or private nonprofit corporations, agencies, institutions, Indian tribes and other associations. A private nonprofit corporation, which is owned and controlled by private persons or interests, must have local representation from the area being served, be organized and operated by private persons or interests for purposes other than making gains or profits for the corporation, and be legally precluded from distributing any gains or profits to its members. Faith-based organizations may meet these requirements.

Rural area. The definition in 7 CFR 3550.10 applies.

Sponsored applicant. An eligible applicant which has a commitment of financial and/or technical assistance to apply for the TSA program and to implement such a program from a state, county, municipality, or other governmental entity or public body.

Supervisory assistance. Any type of assistance to low-income families which will assist those families in meeting the eligibility requirements for, or the financial and managerial responsibilities of, homeownership or tenancy in an adequate housing unit. Such assistance must include, but is not limited to, the following activities:

(1) Assisting individual USDA Rural Development borrowers with financial problems to overcome delinquency and/or prevent foreclosure and assisting new low-income applicants avoid financial problems through:

(i) Financial and budget counseling including advice on debt levels, credit purchases, consumer and cost awareness, debt adjustment procedures, and availability of other financial counseling services;

(ii) Monitoring payment of taxes and insurance;

(iii) Home maintenance and management; and

(iv) Other counseling based on the needs of the low-income families.

(2) Contacting and assisting low-income families in need of adequate housing by:

(i) Implementing an organized outreach program using available media and personal contacts;

(ii) Explaining available housing programs and alternatives to increase the awareness of low-income families and to educate the community as to the benefits which can accrue from improved housing;

(iii) Assisting low-income families to locate adequate housing;

(iv) Providing construction supervision, training, and guidance to low-income families not involved in Mutual Self-Help programs who are otherwise being assisted by the TSA project;

(v) Organizing local public or private nonprofit groups willing to provide adequate housing for low-income families; and

(vi) Providing assistance to families and organizations in processing housing loan and/or grant applications generated by the TSA program, including developing and packaging such applications for new construction, rehabilitation, or repair to serve low-income families.

Technical assistance. Any specific expertise necessary to carry out housing efforts by or for low-income families to improve the quantity and/or quality of housing available to meet their needs. Such assistance should be specifically related to the supervisory assistance provided by the project, and may include, as appropriate, the following activities:

(1) Develop, or assist eligible applicants to develop, multi-housing loan and/or grant applications for new construction, rehabilitation, or repair to serve low-income families.

(2) Market surveys, engineering studies, cost estimates, and feasibility studies related to applications for housing assistance to meet the specific needs of the low-income families assisted under the TSA program.

Grant purposes: Grant funds are to be used for a housing delivery system and counseling program to include a comprehensive program of technical and supervisory assistance as set forth in the grant agreement and any other special conditions as required by Rural Development. Uses of grant funds may include, but are not limited to:

(1) The development and implementation of a program of technical and supervisory assistance as defined in 7 CFR 1944.506 (h) and (i).

(2) Payment of reasonable salaries of professional, technical, and clerical staff actively assisting in the delivery of the TSA project.

(3) Payment of necessary and reasonable office expenses such as office supplies and office rental, office utilities, telephone services, and office equipment rental.

(4) Payment of necessary and reasonable administrative costs such as workers' compensation, liability insurance, audit reports, travel to and attendance at Rural Development approved training sessions, and the employer's share of Social Security and health benefits. Payments to private retirement funds are prohibited unless prior written authorization is obtained from the Administrator.

(5) Payment of reasonable fees for necessary training of grantee personnel. This may include the cost of travel and per diem to attend regional training sessions when authorized by the State Director.

(6) Other reasonable travel and miscellaneous expenses necessary to accomplish the objectives of the specific TSA grant which were anticipated in the individual TSA grant proposal and which have been included as eligible expenses at the time of grant approval.

Ineligible Activities: Grant funds may not be used for:

(1) Acquisition, construction, repair, or rehabilitation of structures or acquisition of land, vehicles, or equipment.

(2) Replacement of, or substitution for, any financial support which would be available from any other source.

(3) Duplication of current services in conflict with the requirements of 7 CFR 1944.514 (c).

(4) Hiring personnel to perform construction.

(5) Buying property of any kind from families receiving technical or supervisory assistance from the grantee under the terms of the TSA grant.

(6) Paying for or reimbursing the grantee for any expenses or debts incurred before USDA Rural Development executes the grant agreement.

(7) Paying any debts, expenses, or costs which should be the responsibility of the individual families receiving technical and supervisory assistance.

(8) Any type of political activities.

(9) Other costs including contributions and donations, entertainment, fines and penalties, interest and other financial costs, legislative expenses and any excess of cost from other grant agreements.

Advice and assistance may be obtained from the National Office where ineligible costs are proposed as part of the TSA project or where a proposed cost appears ineligible.

The grantee may not charge fees or accept compensation or gratuities from TSA recipients for the grantee's assistance under this program.

Comprehensive TSA programs include: Outreach to the community and education of low-income families as to the benefits which can accrue from improved housing, including: counseling on affording a home, obtaining a housing loan, and understanding predatory lending practices; loan packaging and assistance in the homebuying process, including reviewing client credit history, screening for housing loan eligibility for USDA Rural Development Section 502 loans or similar loans, assisting clients to complete applications, advising clients on home selection and matters related to home financing, and providing post-purchase counseling; and, assisting individual USDA Rural Development borrowers with financial problems to overcome delinquency and/or prevent foreclosure.

II. Award Information

Up to $1,000,000 in competitive grants will be awarded to eligible applicants. It is estimated that 10 grants will be awarded with these funds.

TSA projects will be funded under a Grant Agreement for two years commencing on the date of execution of the Agreement by the State Director. The Grant Agreement is contained as Exhibit A to RD Instruction 1944–K (available in any USDA Rural Development office).

Performance of the grant program should begin within 60 days of award notification.

Applications for renewal of existing TSA programs are eligible to compete with applications for new awards.

III. Eligibility Information

Grants provide funds to eligible applicant organizations to conduct TSA for low-income rural residents to obtain and/or maintain occupancy of adequate housing.

Applicant eligibility. To be eligible to receive a grant, the applicant must:

(1) Be an organization as defined in 7 CFR 1944.506 (e).

(2) Have the financial, legal, administrative, and operational capacity to assume and carry out the responsibilities imposed by the grant agreement. To meet this requirement of actual capacity, it must either:

(i) Have necessary background and experience with proven ability to perform responsibly in the field of low-income rural housing development and counseling, or other business management or administrative experience which indicates an ability to provide responsible technical and supervisory assistance; or

(ii) Be assisted by an organization which has such background experience and ability and which agrees in writing that it will provide, without charge, the assistance the applicant will need to carry out its responsibilities.

(3) Legally obligate itself to administer TSA funds, provide an adequate accounting of the expenditure of such funds, and comply with the grant agreement and applicable USDA Rural Development regulations;

(4) Demonstrate an understanding of the needs of low-income rural families;

(5) Have the ability and willingness to work within established guidelines; and

(6) If the applicant is engaged in or plans to become engaged in any other activities, it must be able to provide sufficient evidence and documentation that it has adequate resources, including financial resources, to carry on any other programs or activities to which it is committed without jeopardizing the success and effectiveness of its TSA project.

Cost sharing or matching. There is no cost sharing or matching requirement. However, applicants who submit evidence of cost sharing will receive points under *Selection Criteria,* paragraph V. (2) (v).

Other administrative requirements. The following policies and regulations apply to grants made under this program:

(1) The policies and regulations contained in 7 CFR part 1901, subpart E regarding equal opportunity requirements.

(2) The policies and regulations contained in 7 CFR part 1901, subpart F regarding historical and archaeological properties.

(3) The policies and regulations contained in 7 CFR part 1940, subpart G regarding Environmental Assessments.

IV. Application and Submission Information

Preapplication submission

(1) Applicants may file an electronic application at *http://www.grants.gov.* Applications will not be accepted via facsimile machine transmission or electronic mail. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application. If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

First time Grants.gov users should go to the ''Get Started'' tab on the Grants.gov site and carefully read and follow the steps listed. These steps need to be initiated early in the application process to avoid delays in submitting your application online. Step three, Registering with the Central Contractor Registry (CCR), will take some time to complete, so keep that in mind when beginning the application process. In order to register with the CCR, your organization will need a Data Universal Numbering System (DUNS) Number. A DUNS number is a unique nine-character identification number provided by the commercial company, Dun & Bradstreet (D&B). To investigate if your organization already has a DUNS number or to obtain a DUNS number, contact Dun & Bradstreet at 1–866–705–5711. Be sure to complete the Marketing Partner ID (MPIN) and Electronic Business Primary Point of Contact fields during the CCR registration process. These are mandatory fields that are required when submitting grant applications through Grants.gov. Information about registering with CCR was published in the **Federal Register** on January 17, 2006. (See 71 FR 2549). Additional application instructions for submitting an electronic application can be found by selecting this funding opportunity on Grants.gov.

(2) Applicants, that choose not to file electronically, will file an original and two copies of the preapplication, including supporting information detailed below, with the appropriate State Office serving the proposed TSA area. Preapplications will consist of: Standard Form 424 (Form SF–424), ''Application for Federal Assistance;'' Form SF–424A, ''Budget Information—Non-Construction Programs;'' Form SF–424B, ''Assurances—Non-Construction Programs;'' and supporting documentation as detailed below. The applicant organization's DUNS number must be provided.

If the TSA area encompasses more than one State Office, the preapplication will be filed at the State Office which serves the area in which the grantee will provide the greatest amount of TSA efforts. Additional informational copies of the preapplication will be sent by the applicant to the other affected State Office(s). Applications for multi-state projects must designate the portion of funds and services to be provided to each state.

Where to file. Preapplication packages, including electronic submissions, must be received prior to the deadline at the appropriate USDA Rural Development State Office. State Office addresses and contacts are:

Alabama State Office
Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3400, TDD (334) 279–3495, Vann L. McCloud.

Alaska State Office
800 West Evergreen, Suite 201, Palmer, AK 99645, (907) 761–7705, ext. 740, TDD (907) 761–8905, Deborah Davis.

Arizona State Office
Phoenix Corporate Center, 3003 N. Central Ave., Suite 900, Phoenix, AZ 85012–2906, (602) 280–8755, TDD (602) 280–8706, Ernie Weatherbee.

Arkansas State Office
700 W. Capitol Ave., Rm. 3416, Little Rock, AR 72201–3225, (501) 301–3200, TDD (501) 301–3063, Lawrence McCullough.

California State Office
430 G Street, #4169, Davis, CA 95616–4169, (530) 792–5816, TDD (530) 792–5848, Deborah Morris, Acting.

Colorado State Office
655 Parfet Street, Room E100, Lakewood, CO 80215, (720) 544–2903, TDD (800) 659–2656, Jamie Spakow.

Connecticut
Served by Massachusetts State Office.

Delaware & Maryland State Office
4607 South DuPont Highway, PO Box 400, Camden, DE 19934–9998, (302) 697–4319, TDD (302) 697–4303, W. Drew Clendaniel.

Florida & Virgin Islands State Office

4440 NW 25th Place, Gainesville, FL 32606–6563, (352) 338–3435, TDD (352) 338–3499, Daryl Cooper.

Georgia State Office
Stephens Federal Building 355 E. Hancock Avenue, Athens, GA 30601–2768, (706) 546–2162, TDD (706) 546–2034, Joseph Walden.

Guam
Served by Hawaii State Office.

Hawaii State Office
(Services all Hawaii, American Samoa and Western Pacific), Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, HI 96720, (808) 933–8309, TDD (808) 933–8321, Jack L. Mahan.

Idaho State Office
Suite A1, 9173, West Barnes Dr., Boise, ID 83709, (208) 378–5627, TDD (208) 378–5644, Roni Atkins.

Illinois State Office
2118 West Park Court, Suite A, Champaign, IL 61821–2986, (217) 403–6222, TDD (217) 403–6240, Barry L. Ramsey.

Indiana State Office
5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290–3100 ext. 413, TDD (317) 290–3343, Paul Neumann.

Iowa State Office
210 Walnut Street Room 873, Des Moines, IA 50309, (515) 284–4663, TDD (515) 284–4858, Bruce McGuire.

Kansas State Office
1303 SW First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2700, TDD (785) 271–2767, Tim Rogers.

Kentucky State Office
771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7416, TDD (859) 224–7422, Denver Parks.

Louisiana State Office
3727 Government Street, Alexandria, LA 71302, (318) 473–7920, TDD (318) 473–7655, Debbie Redfearn.

Maine State Office
967 Illinois Ave., Suite 4, PO Box 405, Bangor, ME 04402–0405, (207) 990–9118, TDD (207) 942–7331, Dale Holmes.

Maryland
Served by Delaware State Office.

Massachusetts, Connecticut, & Rhode Island State Office
451 West Street, Suite 2, Amherst, MA 01002, (413) 253–4333, TDD (413) 253–4590, Don Colburn.

Michigan State Office
3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5192, TDD (517) 337–6795, Rick Annis, Acting.

Minnesota State Office
375 Jackson Street Building, Suite 410, St. Paul, MN 55101, (651) 602–7835, TDD (651) 602–7830, Lance Larson.

Mississippi State Office
Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965–4325, TDD (601) 965–5850, John Jones.

Missouri State Office
601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876–9301, TDD (573) 876–9480, Randy Griffith.

Montana State Office
Unit 1, Suite B, 900 Technology Blvd., Bozeman, MT 59715, (406) 585–2551, TDD (406) 585–2562, Deborah Chorlton.

Nebraska State Office
Federal Building, Room 152, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437–5551, TDD (402) 437–5093, Byron Fischer.

Nevada State Office
1390 South Curry Street, Carson City, NV 89703–9910, (775) 887–1795, TDD (775) 885–0633, William Brewer.

New Hampshire State Office
Served by Vermont State Office.

New Jersey State Office
5th Floor North, Suite 500, 8000 Midlantic Drive, Mt. Laurel, NJ 08054, (856) 787–7731, TDD (856) 787–7784, George Hyatt, Jr.

New Mexico State Office
6200 Jefferson St., NE, Room 255, Albuquerque, NM 87109, (505) 761–4973, TDD (505) 761–4938, Walt Taylor.

New York State Office
The Galleries of Syracuse, 441 S. Salina Street, Suite 357 5th Floor, Syracuse, NY 13202, (315) 477–6419, TDD (315) 477–6447, Jennifer Jackson.

North Carolina State Office
4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873–2041, TDD (919) 873–2003, Melchior Ellis.

North Dakota State Office, Federal Building, Room 208, 220 East Rosser, PO Box 1737, Bismarck, ND 58502, (701) 530–2044, TDD (701) 530–2113, Don Warren.

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2477, (614) 255–2401, TDD (614) 255–2554, Gerald Arnott.

Oklahoma State Office
100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1000, TDD (405) 742–1007, Brian Wiles.

Oregon State Office
101 SW Main, Suite 1410, Portland, OR 97204–3222, (503) 414–3339, TDD (503) 414–3387, Sharon Shaffer.

Pennsylvania State Office
One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2279, TDD (717) 237–2261, Frank Wetherhold.

Puerto Rico State Office
IBM Building, Suite 601, Munoz Rivera Ave. #654, San Juan, PR 00918, (787) 766–5095, TDD (787) 766–5332, Pedro Gomez.

Rhode Island
Served by Massachusetts State Office.

South Carolina State Office
Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253–3655, TDD (803) 765–5697, Herbert R. Koon, Jr.

South Dakota State Office Federal Building, Room 210, 200 Fourth Street, SW, Huron, SD 57350, (605) 352–1135, TDD (605) 352–1147, Roger Hazuka.

Tennessee State Office
Suite 300, 3322 West End Avenue, Nashville, TN 37203–1084, (615) 783–1375, TDD (615) 783–1397, Donald L. Harris.

Texas State Office
Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742–9765, TDD (254) 742–9712, Gayle Ledyard, Acting.

Utah State Office
Wallace F. Bennett Federal Building, 125 S. State Street, Room 4311, Salt Lake City, UT 84138, (801) 524–4323, TDD (801) 524–3309, Dave Brown.

Vermont & New Hampshire State Office
City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828–6015, TDD (802) 223–6365, Robert McDonald.

Virgin Islands
Served by Florida State Office.

Virginia State Office
Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287–1603, TDD (804) 287–1753, James Reid.

Washington State Office
1835 Black Lake Blvd., Suite B, Olympia, WA 98512, (360) 704–7704, TDD (360) 704–7742, Karen Bailor.

Western Pacific Territories
Served by Hawaii State Office.

West Virginia State Office
Federal Building 75 High Street, Room 320, Morgantown, WV 26505–7500, (304) 284–4867, TDD (304) 284–4836, Dianne Goff Crysler.

Wisconsin State Office
4949 Kirschling Court, Stevens Point, WI 54481, (715) 345–7600, TDD (715) 345–7614, Peter Kohnen.

Wyoming State Office
100 East B, Federal Building, Room 1005, PO Box 820, Casper, WY 82602, (307) 233–6715, TDD (307) 261–6333, Alan Brooks.

(3) All preapplications, including electronic submissions, shall be accompanied by the following information which will be used to determine the applicant's eligibility to undertake a TSA program and to determine whether the applicant might be funded:

(i) A narrative presentation of the applicant's proposed TSA program, including:

(A) The technical and supervisory assistance to be provided;

(B) The time schedule for implementing the program;

(C) The staffing pattern to execute the program and salary range for each position, existing and proposed;

(D) The estimated number of low-income and low-income minority families the applicant will assist in obtaining affordable adequate housing;

(E) The estimated number of USDA Rural Development borrowers who are delinquent or being foreclosed that the applicant will assist in resolving their financial problems relating to their delinquency;

(F) The estimated number of households which will be assisted in obtaining adequate housing in the TSA area through new construction and/or rehabilitation;

(G) Annual estimated budget for each of the two years based on the financial needs to accomplish the objectives

outlined in the proposal. The budget should include proposed direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the TSA grant separately from non-TSA resources, if any;

(H) The accounting system (cash or accrual) to be used;

(I) The method of evaluation proposed to be used by the applicant to determine the effectiveness of its program;

(J) The sources and estimated amounts of other financial resources to be obtained and used by the applicant for both TSA activities and housing development and/or supporting facilities; and,

(K) Any other information necessary to explain the manner of delivering the TSA assistance proposed.

(ii) Complete information about the applicant's previous experience and capacity to carry out the objectives of the proposed TSA program;

(iii) Evidence of the applicant's legal existence, including, in the case of a private nonprofit organization, a copy of, or an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence one year or more; the names and addresses of the applicant's members, directors, and officers; and, if another organization is a member of the applicant-organization, its name, address, and principal business.

(iv) For a private nonprofit entity, a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant. If the applicant is an organization being assisted by another private nonprofit organization, the same type of financial statement should also be provided by that organization.

(v) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and actual number of both low-income and low-income minority families and substandard housing), the need for the type of technical and supervisory assistance being proposed, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts (as related to paragraph (a)(2)(i) of this section), and any other information necessary to specifically address the selection criteria in 7 CFR 1944.529.

(vi) A list of other activities the applicant is engaged in and expects to continue and a statement as to any other funding and whether it will have sufficient funds to assure continued operation of the other activities for at least the period of the TSA grant agreement.

(4) An applicant should submit written statements from the county, parish, or township governments of the area affected that the project is beneficial and does not duplicate current activities. If the local governmental units will not provide such statements, the applicant will prepare and include with its preapplication a summary of its analysis of alternatives considered under 7 CFR 1944.514 (c). However, Indian nonprofit organization applicants should obtain the written concurrence of the tribal governing body in lieu of the concurrence of the county governments.

(5) Sponsored applicants should submit a written commitment for financial and/or technical assistance from their sponsoring entity.

(6) An original and one copy of Form RD 1940–20, ''Request for Environmental Information.''

(7) USDA Rural Development will deal only with authorized representatives designated by the applicant. The authorized representatives must have no pecuniary interest in any of the following as they would relate in any way to the TSA grant: the award of any engineering, architectural, management, administration, or construction contracts; purchase of the furnishings, fixtures or equipment; or purchase and/or development of land.

(**Note:** USDA Rural Development has designated the Area Office as the primary point of contact for all matters relating to the TSA program and as the office responsible for the *administration* of approved TSA projects.)

Intergovernmental Review. This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

V. Application Review Information

Within 30 days of the closing date for receipt of preapplications, the State Director will forward to the National Office the original preapplication(s) and supporting documents of the selected applicant(s), including any comments received in accordance with 7 CFR part 3015, subpart V, ''Intergovernmental Review of Agriculture Programs and Activities,'' (See RD Instruction 1940-J, available in any USDA Rural Development Office) and the comments and recommendations of the Local Office(s), Area Office(s), and the State Office. The State Office may submit multiple preapplications, ranked in order of preference, to the National Office for consideration.

Concurrently the State Office will send a copy of the selected applicant's Form SF–424 and relevant documents to the Regional Office of the General Counsel (OGC) requesting a legal determination be made of the applicant's legal existence and authority to conduct the proposed program of technical and supervisory assistance.

The State Office will notify other applicants that their preapplications were not selected and advise them of their appeal rights under 7 CFR part 11.

Selection Criteria

(1) Proposals must meet the following criteria:

(i) Provide a program of supervisory assistance as defined in 7 CFR 1944.506(h); and,

(ii) Serve areas with a concentration of substandard housing and low-income and low-income minority households.

(2) For proposals meeting the requirements listed in paragraph (1) above, USDA Rural Development will use the weighted criteria in this paragraph in the selection of grant recipients. Each preapplication and its accompanying narrative will be evaluated and the applicant's proposal will be numerically rated on each criterion. The highest-ranking proposals will be selected for funding according to award information, described above. The criteria considered, the method of measurement, and the points to be awarded are as follows:

(i) The extent to which the program serves areas with concentrations of Rural Development single family housing loan borrowers who are delinquent in their housing loan payments and/or threatened with foreclosure. Measured by whether the applicant proposes to offer delinquency counseling services for Rural Development borrowers. Program will offer delinquency counseling services: 5 points.

(ii) The capability and past performance demonstrated by the applicant in administering its programs, the effectiveness of current efforts by the applicant to assist low-income and low-income minority families in obtaining adequate housing, the adequacy of records and practices (including

personnel procedures and practices) that will be established and maintained by the applicant during the term of the agreement. Measured on whether the applicant organization or members of the applicant organization's staff conducting the proposed TSA program have, in the last two years, successfully conducted a TSA or similar program to assist low-income families in becoming successful homeowners. Have conducted a similar program, not TSA: 5 points; OR, have conducted a TSA program, 10 points.

(iii) The narrative presentation of the applicant's proposed TSA program. This criterion will be used to evaluate the proposed TSA program and its implementation. This section should describe the technical and supervisory assistance to be provided, the anticipated capacity of the applicant to implement the proposed time schedule for starting and completing the TSA program and each phase thereof, the extent to which the proposed staff and salary ranges will meet the objective of the program including, but not limited to: the ratio of personnel to be hired by the applicant to the cost of the project, the estimated number of low-income and low-income minority families that will obtain housing, the estimated number of Rural Development borrowers that will obtain delinquency counseling, and the estimated number of households that will be assisted in obtaining adequate housing in the TSA area through new construction and/or rehabilitation. Up to 50 points may be assigned.

(iv) The extent to which the program will provide or increase the delivery of housing resources to low-income and low-income minority families who are not currently occupying adequate housing in the areas.

(A) Measured by the county Poverty Rate, as reported in Census 2000 Summary File 3 (SF 3) Report GCT–P14, ''Income and Poverty in 1999:2000.'' This information may be obtained on the Internet from the U.S. Census Bureau Web site, ''American Fact Finder,'' at *factfinder.census.gov.*

(*1*) 25.1% or higher: 30 points.

(*2*) 14.7% to 25.0%: A total of 2.86 points, rounded to the nearest whole number, for each percentage point above 14.6%.

(*3*) 14.6% or less: 0 points.

Example: According to Census 2000, the service area Poverty Rate is 18.0 percent. This is 3.4 points above the National Non-Metropolitan Area Average of 14.6 percent. This proposal would be scored with 10 points (3.4 × 2.86 = 9.7); and

(B) Measured by the degree of deficient housing, based on the combination of the county's percentage of housing units lacking complete plumbing facilities plus the percentage of housing units lacking complete kitchen facilities (referred to as deficient housing factor), as reported in Census 2000 SF 3 Report GCT-H7, ''Structural and Facility Characteristics of All Housing Units: 2000.'' This information may be obtained on the Internet from the U.S. Census Bureau Web site, ''American Fact Finder,'' at *factfinder.census.gov.*

(*1*) Deficient housing factor 13.0 or greater: 30 points.

(*2*) Factor 5.1 to 13.0: A total of 3.75 points, rounded to the nearest whole number, for each point above 5.0.

(*3*) Factor 5.0 or lower: 0 points.

Example: Of the total housing units in the service area, 5.0 percent lack complete plumbing and 4.5 percent lack complete kitchen facilities, according to Census 2000. Adding these two percentages provides a 'deficient housing index' of 9.5. This is 4.5 points above the National Non-Metropolitan Area Average of 5.0. This would result in a score of 17 points (9.5 − 5.0 = 4.5 × 3.75 = 16.875).

(C) For programs serving multi-county areas, scoring will be determined based upon the combined totals for the counties entire service area. County data (not smaller areas) will be used for evaluation.

(v) The extent to which the program will make use of other financial and contribution-in-kind resources for both technical and supervisory assistance and housing development and supporting facilities. Scoring will be based on the amount of financial assistance from non-Federal sources compared to the applicant's grant request for financial assistance for the project. The applicant will receive points as follows:

(A) 5—25%–5 points

(B) Greater than 25% but equal to or less than 50%—10 points

(C) Greater than 50%—15 points

(vi) The extent to which the project will be cost effective. The cost, both direct and indirect, per person benefiting from the program will be measured by the proposed total number of low-income participants who obtain suitable housing within the period of the grant as a result of participation in the comprehensive TSA program, compared to the amount of the TSA grant. Scoring will be based on the TSA grant funds expended per participant who purchases suitable housing.

(A) $1,000 or less—10 points

(B) Greater than $1000 but equal to or less than $1500—5 points

(C) More than $1,500—0 points

Example: The applicant organization's program of homebuyer training and loan packaging proposes to produce 60 homeowners during the two-year grant. Funding for the program includes a $75,000 TSA grant. The TSA cost per homeowner produced is $75,000/60 = $1,250. Therefore, 5 points would be given.

(vii) The extent to which the program is effective in providing expected benefits to low-income families. Measured by the proposed total number of low-income participants who obtain suitable housing within the period of the grant as a result of participation in the comprehensive TSA program. More than 25 but less than 50 new homeowners: 5 points, OR more than 50 new homeowners: 10 points.

(viii) The narrative statement demonstrates the need for the TSA program in the proposed area. This section should describe the area to be served and the need for improved housing, the need for the technical and supervisory assistance proposed, and the method of determining the proposed program's effectiveness. Up to 20 points may be assigned.

(ix) The services the applicant will provide are not presently available in the proposed service area to assist low-income families in obtaining or maintaining occupancy of adequate housing and the extent of duplication of technical and supervisory assistance activities currently provided for low-income families. Measured by comments received. Proposed services not duplicated in the area: 10 points.

(x) The extent of citizen and local government participation and involvement in the development of the preapplication and project and coordination with other Federal, State or local technical and/or supervisory assistance programs. Measured by letter(s) or similar documentation from local government officials, businesses and individuals detailing participation and coordination in the project by groups other than the applicant. Letters of support from local or State government entities stating the project is beneficial and non-duplicative: 5 points.

VI. Award Administration Information

Upon notification that the applicant has been tentatively selected for funding based on its preapplication, the State Office will notify the applicant and provide instructions for preparation of a formal application. The applicant will submit all completed forms required for a formal application and whatever

additional needed information that is requested to the Area Office within 30 days.

The Area Office will assemble a formal application docket, which will include the following:

(1) Form SF–424 and the information submitted in accordance with 7 CFR 1944.526(a)(2) (preapplication package);

(2) Any comments received in accordance with 7 CFR part 3015, subpart V, ''Intergovernmental Review of Department of Agriculture Programs and Activities.'' See RD Instruction 1940-J (available in any USDA Rural Development Office).

(3) OGC legal determination made pursuant to 7 CFR 1944.526 (c)(3).

(4) Grant Agreement.

(5) Form RD 1940–1, ''Request for Obligation of Funds.''

(6) Form RD 400–1, ''Equal Opportunity Agreement.''

(7) Form RD 400–4, ''Nondiscrimination Agreement.''

(8) Form AD–1047, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions.''

(9) Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants), Alternative I—For Grantees Other Than Individuals.''

(10) Form RD 1940–20, ''Request for Environmental Information.''

(11) Form RD 1940–22, ''Environmental Checklist for Categorical Exclusions,'' Form RD 1940–21, ''Environmental Assessment for Class I Actions'' or Exhibit G of 7 CFR part 1940, subpart G entitled, ''Environmental Assessment for Class II Actions.''

(12) The historical and archaeological assessment.

(13) The detailed budget for the agreement period based upon the needs outlined in the proposal and recommendations by USDA Rural Development.

(14) Verification of Debarment Listing check and Federal Debt Listing check.

(15) Form RD 2006–38, ''Civil Rights Impact Analysis.''

Reporting requirements. Form SF–269, ''Financial Status Report,'' and a project performance report will be required of all grantees on a quarterly basis. All grantees shall submit an original and two copies of these reports to the Area Office. The project performance reports will be submitted not later than January 15, April 15, July 15, and October 15 of each year.

As part of the grantee's preapplication submission required by 7 CFR 1944.526 (a)(2)(i), the grantee established the objectives of its TSA program including the estimated number of low-income families to be assisted by the TSA program and its method of evaluation to determine the effectiveness of its program. The project performance report should relate the activities during the report period to the project's objectives and analyze the effectiveness of the program. The grantee will complete a final Form SF–269 and a final performance report upon termination or expiration of the grant agreement.

Grant monitoring. Each grant will be monitored by USDA Rural Development to ensure that the grantee is complying with the terms of the grant and that the TSA project activity is completed as approved. Ordinarily, this will involve a review of quarterly and final reports by USDA Rural Development and review by the appropriate Area Office.

Additional grants. An additional grant may be made to an applicant that has previously received a TSA grant and substantially achieved the goals established for the previous grant by submitting a new proposal for TSA funds. The additional grant application will be processed as if it were an initial application.

Management assistance. The Area Office will see that each TSA grantee receives management assistance to help achieve a successful program.

(1) TSA employees who will be contacting and assisting families will receive training in packaging single family housing and Rural Rental Housing loans when, or very shortly after, they are hired so that they can work effectively.

(2) TSA employees who will provide counseling, outreach, and other technical and supervisory assistance will receive training on USDA Rural Development policies, procedures, and requirements appropriate to their positions and the type of assistance the grantee will provide at the outset of the grant.

(3) Training will be provided by USDA Rural Development employees and/or outside sources approved by USDA Rural Development when the technical and supervisory assistance involves rural housing programs other than Rural Development programs. Appropriate training of TSA employees should be anticipated during the planning stages of the grant and the reasonable cost of such training included in the budget.

(4) The Area Office, in cooperation with the appropriate Local Office(s), should coordinate the management assistance given to the TSA grantee in a manner which is timely and effective. This will require periodic meetings with the grantee to discuss problems being encountered and offer assistance in solving these problems; to discuss the budget, the effectiveness of the grant, and any other unusual circumstances affecting delivery of the proposed TSA services; to keep the grantee aware of procedural and policy changes, availability of funds, etc.; and to discuss any other matters affecting the availability of housing opportunities for low-income families.

(5) The Area and/or Local Office will advise the grantee of the options available to bring the delinquent borrowers' accounts current and advise the grantee that the appropriate approval authority for any resolution of the delinquent accounts and all other authority currently available to remedy delinquent accounts.

Grant evaluation, closeout, suspension, and termination. Grant evaluation will be an ongoing activity performed by both the grantee and USDA Rural Development. The grantee will perform self-evaluations by preparing periodic project performance reports in accordance with 7 CFR 1944.541. USDA Rural Development will also review all reports prepared and submitted by the grantee in accordance with the grant agreement and 7 CFR part 1944, subpart K.

Within forty-five (45) days after the grant ending date, the grantee will complete closeout procedures as specified in the grant agreement.

The grant can also be terminated before the grant ending date for the causes specified in the grant agreement. No further grant funds will be disbursed when grant suspension or termination procedures have been initiated in accordance with the grant agreement.

VII. Agency Contacts

Nica Mathes, Senior Loan Specialist, USDA Rural Development, Single Family Housing Direct Loan Division, Special Programs and New Initiatives Branch, Mail Stop 0783, Room 2206-S, 1400 Independence Avenue, SW., Washington, DC 20250–0783, phone: (202) 205–3656 or (202) 720–1474, e-mail: *nica.mathes@wdc.usda.gov,* or FAX: (202) 720–2232.

VIII. Other Information

Information about TSA grants and other Rural Development housing programs can be obtained at the USDA Rural Development Web site at *http://www.rurdev.usda.gov.* Questions can also be sent by e-mail to *agsec@usda.gov.*

Dated: April 7, 2006.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. E6–5688 Filed 4–14–06; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

Title: Knowledge, Attitudes, and Perceptions of Management Strategies and Regulations in the Florida Keys National Marine Sanctuary.

Form Number(s): None.

OMB Approval Number: 0648–0534.

Type of Request: Regular submission.

Burden Hours: 5,952.

Number of Respondents: 3,736.

Average Hours Per Response: Full survey, 2 hours; non-respondent postcard survey, 2 minutes.

Needs and Uses: This is a ten-year replication of the Knowledge, Attitudes, and Perceptions of the management strategies and regulations of the Florida Keys National Marine Sanctuary (FKNMS) for three user groups: Commercial fishermen, dive shop owners/operators and members of local environmental groups. The original study was done in 1995–96 and was adopted as providing baselines for the Socioeconomic Research and Monitoring Program for the FKNMS. Much has happened since 1995–96 so the study will also provide new baselines for new management strategies and regulations. The most important management strategies and regulations assessed in both the baseline and replication are those related to the special zones created in the FKNMS, especially the no-take areas. The information is important to support the ''adaptive management'' process in the FKNMS and to support education and outreach efforts. This application revises methods to increase response rates and proposes a study of nonresponse bias for the survey of members of local environmental groups.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, fax number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: April 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5624 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Economic Surveys for U.S. Commercial Fisheries.

Form Number(s): None.

OMB Approval Number: 0648–0369.

Type of Request: Regular submission.

Burden Hours: 7,000.

Number of Respondents: 6,000.

Average Hours Per Response: Catcher or for-hire vessel operating cost, annual cost, revenue, effort, employment, ownership, and limited demographic data, 1 hour and 30 minutes; catcher or for-hire vessel operating cost data, 25 minutes; catcher or for-hire vessel annual expenditure and demographic data, 1 hour; West Coast or Alaska processor, including catcher/processor vessels, mothership vessels, floating processing plants, and onshore plants, 8 hours; East Coast or Gulf processor, 1 hour and 30 minutes.

Needs and Uses: This proposed collection of economic data for U.S. commercial fisheries will be used to address statutory and regulatory mandates to determine the quantity and distribution of net benefits derived from living marine resources, as well as predict the economic impacts from proposed management options on commercial harvesters, shoreside industries, and fishing communities. In particular, the data will be used to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, the Regulatory Flexibility Act, Executive Order 12866 as well as a variety of state statutes.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: April 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5625 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Application for Commission in the NOAA Officer Corps.

Form Number(s): None.

OMB Approval Number: 0648–0047.

Type of Request: Regular submission.

Burden Hours: 184.

Number of Respondents: 600.

Average Hours Per Response: One hour for applications; ten minutes for references.

Needs and Uses: The NOAA Corps is the smallest of the seven uniformed services of the United States and is an integral part of NOAA. The NOAA Corps provides a cadre of professionals trained in engineering, earth sciences,

oceanography, meteorology, fisheries science, and other related disciplines who serve in assignments within the five major Line Offices of NOAA. Persons wishing to obtain a NOAA Corps Commission must submit an application package, and five references.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: April 11, 2006

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5626 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

Submission for OMB Review: Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Participation Agreement and Trade Mission Application

Agency Form Number: ITA–4008P, ITA–4008P–1 and ITA–4008P–A.

OMB Number: 0625–0147.

Type of Request: Regular Submission.

Burden: 2,768 hours.

Number of Respondents: 7,500.

Avg. Hours Per Response: 20—90 minutes.

Needs and Uses: The ITA–4008P, ''Participation Agreement'', is the vehicle by which individual firms agree to participate in any of ITA's trade promotion programs and record their required participation fee to the U.S. Department of Commerce (DOC). Together with the relevant ITA–4008P–A, ''Conditions of Participation'', it forms a contract between the individual firm and the DOC. The ITA–4008P–1, ''Trade Mission Application'', is used to solicit information from firms seeking to participate in DOC overseas trade missions covered by the Statement of Policy Governing Overseas Trade Missions of the Department of Commerce issued by Secretary Daley on March 3, 1997. Trade Mission participants are required to complete the Forms ITA–4008P, ITA–4008P–1, and ITA–4008P–A. Other DOC trade event (not trade mission) participants complete Forms ITA–4008P and ITA–4008P–A, but do not complete Form ITA–4008P–1.

Affected Public: The forms are sent by request to potential U.S. firms.

Frequency: Upon request by U.S. firms (On Occasion).

Respondents Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection can be obtained by calling or writing Diana Hynek, Department Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230. E-mail *dHynek@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, at *David_Rostker@omb.eop.gov* or fax (202) 395–7285 within 30 days of the publication of this notice in the **Federal Register**.

Dated: April 11, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5632 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

Bureau of the Census

2010 Census Advisory Committee

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the 2010 Census Advisory Committee. Committee members will address policy, research, and technical issues related to 2010 Decennial Census programs, including the American Community Survey and related programs. Last-minute changes to the agenda are possible, which could prevent giving advance notification of schedule changes.

DATES: May 11–12, 2006. On May 11, the meeting will begin at approximately 9 a.m. and end at approximately 5 p.m. On Friday, May 12, 2006, the meeting will begin at approximately 9 a.m. and end at approximately 11:15 a.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau, 4700 Silver Hill Road, Federal Building 3, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Office Building 3, Washington, DC 20233, telephone (301) 763–2070, TTY (301) 457–2540.

SUPPLEMENTARY INFORMATION: The 2010 Census Advisory Committee is composed of a Chair, Vice-Chair, and 20 member organizations—all appointed by the Secretary of Commerce. The Committee considers the goals of the decennial census, including the American Community Survey and related programs, and users' needs for information provided by the decennial census from the perspective of outside data users and other organizations having a substantial interest and expertise in the conduct and outcome of the decennial census. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

A brief period will be set aside at the meeting for public comment. However, individuals with extensive statements for the record must submit them in writing to the Census Bureau Committee Liaison Officer named above at least three working days prior to the meeting. Seating is available to the public on a first-come, first-served basis.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer as soon as known, preferably two weeks prior to the meeting.

Dated: April 12, 2006.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. E6–5655 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee Of Professional Associations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Census Advisory Committee of Professional Associations. The Committee will address issues regarding Census Bureau programs and activities related to their areas of expertise. Members will address policy, research, and technical issues related to 2010 Decennial Census Programs, including the American Community Survey (ACS). The Committee also will discuss several economic initiatives, as well as issues pertaining to marketing services, sample redesign issues related to 2010 demographic surveys, and research on the use of population estimates as controls in the ACS. Last minute changes to the agenda are possible, which could prevent giving advance notice of schedule adjustments.

DATES: May 18–19, 2006. On May 18, the meeting will begin at approximately 9 a.m. and adjourn at approximately 5 p.m. On May 19, the meeting will begin at approximately 9 a.m. and adjourn at approximately 11:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Building 3, Washington, DC 20233. Her telephone number is 301–763–2070, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Census Advisory Committee of Professional Associations is composed of 36 members, appointed by the Presidents of the American Economic Association, the American Statistical Association, and the Population Association of America, and the Chairperson of the Board of the American Marketing Association. The Committee addresses issues regarding Census Bureau programs and activities related to their respective areas of expertise. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section10(a)(b)).

The meeting is open to the public, and a brief period is set aside for public comment and questions. Those persons with extensive questions or statements must submit them in writing, at least three days before the meeting, to the Committee Liaison Officer named above. Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer.

Dated: April 12, 2006.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. E6–5654 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1440]

Grant of Authority For Subzone Status, Michelin North America, Inc., (Tire Distribution), Monee, Illinois

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for '' . . . the establishment . . . of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Illinois International Port District, grantee of FTZ 22, has made application to the Board for authority to establish special–purpose subzone status at the tire and tire accessory warehousing/distribution facility of Michelin North America, Inc., located in Monee, Illinois (FTZ Docket 15–2005, filed March 14, 2005);

Whereas, notice inviting public comment has been given in the **Federal Register** (70 FR 14443, March 22, 2005); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for distribution activity involving tire and tire accessories at the warehousing/distribution facility of Michelin North America, Inc., located in Monee, Illinois (Subzone 22N), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 5th day of April 2006.

David M. Spooner,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–5679 Filed 4–14–06; 8:45 am]

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1441]

Approval of Request for Manufacturing Authority Within Foreign–Trade Zone 40, Lorain County, OH, (Oil Burner Units)

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Cleveland–Cuyahoga County Port Authority, grantee of Foreign–Trade Zone 40, submitted an application to the Board for manufacturing authority (oil burner units) within FTZ 40 for R.W. Beckett Company (FTZ Docket 9–2005; filed February 22, 2005);

Whereas, notice inviting public comment was given in **Federal Register** (70 FR 9414, February 28, 2005) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application for manufacturing authority for oil burner units within FTZ 40 for R.W. Beckett Company, is approved, subject to the Act and the

Board's regulations, including Section 400.28.

Signed at Washington, DC, this 5th day of April 2006.

David M. Spooner,

Assistant Secretary of Commerce for Import Administration. Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–5677 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1442]

Expansion of Foreign–Trade Zone 101, Clinton County, Ohio

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, Airborne FTZ, Inc., grantee of Foreign–Trade Zone 101, submitted an application to the Board for authority to expand FTZ 101 to include a site in Fayette County, Ohio, within the Dayton Customs and Border Protection port of entry (FTZ Docket 27–2005, filed June 3, 2005);

Whereas, notice inviting public comment has been given in the **Federal Register** (70 FR 34445–34446, June 14, 2005);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 101 is approved, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 5th day of April 2006.

David M. Spooner,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–5681 Filed 4–14–06; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1443]

Expansion of Foreign–Trade Zone 94, Laredo, Texas Area

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the City of Laredo, Texas, grantee of Foreign–Trade Zone No. 94, submitted an application to the Board for authority to expand FTZ 94 in the Laredo, Texas area, to include a site within the Embarcadero Business Park, within the Laredo Customs port of entry (FTZ Docket 19–2005, filed 5/9/2005);

Whereas, notice inviting public comment was given in the **Federal Register** (70 FR 25536, 5/13/2005) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 94 is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000–acre activation limit for the general–purpose zone project.

Signed at Washington, DC, this 5th day of April 2006.

David M. Spooner,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–5675 Filed 4–12–06; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Encryption Items Under the Jurisdiction of the Department of Commerce

ACTION: Proposed collection: request for comments.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *DHynek@doc.gov*.).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by Section 742.15 of the Export Administration Regulations (EAR). This collection facilitates the review of encryption products prior to sale and streamlined post-export reporting.

II. Method of Collection

Submitted on forms or electronically.

III. Data

OMB Number: 0694–0104.

Form Number: BIS–742R, BIS–742S.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 680.

Estimated Time per Response: 5 minutes to 7 hours per response.

Estimated Total Annual Burden Hours: 2,830 hours

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: April 11, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5623 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security (BIS)

Reports of Sample Shipments of Chemical Weapon Precursors

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW., Washington, DC 20230, (or via the internet at *DHynek@doc.gov*.).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTAL INFORMATION:

I. Abstract

This collection of information is needed to monitor sample shipments of chemical weapon precursors. Monitoring is required to facilitate and enforce provisions of the EAR that permit limited exports of sample shipments without a validated export license. The reports will be reviewed by the Bureau of Industry and Security to monitor quantities and patterns of shipments that might indicate circumvention of the regulation by entities seeking to acquire chemicals for chemical weapons purposes.

II. Method of Collection

Quarterly report.

III. Data

OMB Number: 0694–0086.

Form Number: None.

Type of Review: Regular submission for renewal of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 20.

Estimated Time Per Response: 30 minutes per response.

Estimated Total Annual Burden Hours: 12.

Estimated Total Annual Cost: No start-up costs or capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: April 11, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5633 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Export License Services—Transfer of License Ownership, Request for a Duplicate License

ACTION: Proposed collection: request for comments.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230, (or via the Internet at *DHynek@doc.gov*.).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTAL INFORMATION

I. Abstract

Both collection activities are needed to provide services to exporters who have either lost the original license record and require a duplicate, or wish to transfer their ownership of approved license to another party.

II. Method of Collection

Written notification from respondent.

III. Data

OMB Number: 0694–0126.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 200.

Estimated Time Per Response: 16 to 66 minutes per response.

Estimated Total Annual Burden Hours: 38 hours.

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: April 11, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5634 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

BIS Program Evaluation

ACTION: Proposed collection: request for comments

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *Dhynek@doc.gov.*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Larry Hall, BIS ICB Liaison, Department of Commerce, Room 6703, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is necessary to obtain feedback from seminar participants. This information helps BIS determine the effectiveness of its programs and identifies areas for improvement. The gathering of performance measures on the BIS seminar program is also essential in meeting the agency's responsibilities under the Government Performance and Results Act (GPRA).

II. Method of Collection

Surveys.

III. Data

OMB Number: 0694–0125.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 4,050.

Estimated Time per Response: 10 minutes per response.

Estimated Total Annual Burden Hours: 675 hours.

Estimated Total Annual Cost: No start-up capital expenditures.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: April 11, 2006.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5635 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–901

Preliminary Determination of Sales at Less Than Fair Value, Affirmative Critical Circumstances, In Part, and Postponement of Final Determination: Certain Lined Paper Products from the People's Republic of China

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

EFFECTIVE DATE: April 17, 2006.

SUMMARY: We preliminarily determine that certain lined paper products (''CLPP'') from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Tariff Act of 1930, as amended (''the Act''). The estimated margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. Pursuant to requests from interested parties, we are postponing the final determination and extending the provisional measure from a four-month period to not more than six months. Accordingly, we will make our final determination not later than 135 days after publication of the preliminary determination.

FOR FURTHER INFORMATION CONTACT: Marin Weaver or Frances Veith, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482–2336 or 482–4295, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On September 9, 2005, the Association of American School Paper Suppliers and its individual members (MeadWestvaco Corporation; Norcom, Inc.; and Top Flight, Inc.) (''Petitioner'') filed, in proper form on behalf of the domestic industry and workers producing CLPP, petitions concerning imports of CLPP from India, Indonesia, and the PRC (''Petition'').

In accordance with section 732(b) of the Act, Petitioner alleged that imports of CLPP from India, Indonesia and the

PRC are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Act, and that such imports are materially injuring and threaten to injure an industry in the United States.

The Department of Commerce (''the Department'') initiated this investigation on September 29, 2005. *See Initiation of Antidumping Duty Investigations: Certain Lined Paper Products from India, Indonesia, and the People's Republic of China*, 70 FR 58374 (October 6, 2005) (''*Notice of Initiation*''). In the Notice of Initiation, the Department applied a modified process by which exporters and producers may obtain separate–rate status in non–market economy (''NME'') investigations. The new process requires exporters and producers to submit a separate–rate status application. *See Policy Bulletin 05.1: Separate–Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non–Market Economy Countries* (April 5, 2005), (*Policy Bulletin 05.1*) available at *http://ia.ita.doc.gov/policy/bull05–1.pdf*. However, the standard for eligibility for a separate rate (which is whether a firm can demonstrate an absence of both *de jure* and *de facto* government control over its export activities) has not changed. The separate–rate application for this investigation was posted on the Department's website *http://ia.ita.doc.gov/ia–highlights-and–news.html* on October 6, 2005. The due date listed on the application was December 5, 2005.

On October 19, 2005, the Department provided interested parties to this proceeding the opportunity to comment on the Department's proposed product characteristic reporting criteria and matching hierarchy. On October 20, 2005, the Department requested the assistance of the government of the PRC (through the Ministry of Commerce) in transmitting the Department's Quantity and Value questionnaire (''Q&V questionnaire'') to all companies that manufacture and export subject merchandise to the United States, as well as to manufacturers that produce the subject merchandise for companies that were engaged in exporting subject merchandise to the United States during the period of investigation (''POI''). Also on October 20 and October 21, 2005, the Department issued Q&V questionnaires to 45 companies.

On October 24, 2005, the United States International Trade Commission (''ITC'') issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of CLPP from the PRC. The ITC's determination was published in the **Federal Register** on October 31, 2005. *See Investigation Nos. 701 -TA–442–443 and 731–TA–1095–1097* (''*ITC Preliminary*''), *Certain Lined Paper School Supplies from China, India and Indonesia*, 70 FR 62329 (October 31, 2005).

On October 27, 2005, Petitioner submitted information concerning the identities of Chinese foreign producers to consider as mandatory respondents in the investigation.

On October 28, 2005, the Department received comments on the proposed product characteristics criteria and matching hierarchy from CPP International; Watanabe Paper Product (Shanghai) Co., Ltd. (''Watanabe Shanghai''); Hotrock Stationery (Shenzhen) Co., (''Watanabe Shenzhen''); and Watanabe Paper Product (Linqing) Co., Ltd. (''Watanabe Linqing''), collectively (the ''Watanabe Group''). On October 31, 2005, the Department received comments from Petitioner.

From November 1, 2005 through November 4, 2005, the Department received affirmative Q&V responses from 28 producers/exporters of Chinese CLPP.[1]

On November 1, 2005, Shenzhen Comix Stationery Co., Ltd. reported that it did not export subject merchandise during the POI. On November 7, 2005, Excel Sheen Limited (''Excel'') submitted an entry of appearance. On November 9, 2005, the Department issued a Q&V questionnaire to Excel. Excel submitted its response on November 14, 2005. On November 17, 2005, Maxleaf Stationery Ltd. (Maxleaf) submitted an entry of appearance and a Q&V questionnaire response. On November 17, 2005, the Department issued a Q&V questionnaire to Atico International (HK) & Atico Overseas Ltd., (''Atico''). Atico responded on November 18, 2005. Also, on November 18, 2005, Changjiang submitted a revised Q&V response. On November 22, 2005, the Department sent a revised Q&V questionnaire to all parties that had submitted a Q&V response, asking that companies report separately their direct export price sales and their indirect export price sales.

The PRC government did not respond to the Department's October 20, 2005, letter requesting assistance in transmitting the Q&V questionnaire to producers and exporters of the subject merchandise in the PRC.

On November 7, 8, and 9, 2005, the Department received separate–rate applications from 26 producers/exporters of Chinese CLPP: Atico, the Watanabe Group,[2] Yalong, Changjiang, Lian Li, Ningbo, Suzhou, Sunshine, SFTE, Lansheng, Te Gao Te, Chinapack, Planet, Planet HK, Linqing Silver, You–You, You–You Trading, Yantai, Hengda, Wah Kin, Haijing, Orient, Anhui Light, and Excel. The Department issued supplemental questionnaires to these separate–rate applicants and received a timely response from each of them.

On November 29, 2005, Petitioner requested that the Department make an expedited finding that critical circumstances exist with respect to imports of CLPP from the PRC, India, and Indonesia. On December 1, 2005, Target Corporation and the Watanabe Group submitted comments on Petitioner's request with respect to critical circumstances.

On December 5, 2005, the following companies submitted supplements to their separate–rate applications: Planet HK, Chinapack, and SFTE. Also on December 5, 2005, the following companies submitted separate–rate applications: Essential Industries Limited (''Essential''), Dongguan Yizhi Gao Paper Products Ltd (''Yizhi Gao''), Paperline, MGA Entertainment (H.K.) Limited (''MGA''), Wenbao Paper, and Maxleaf.

On December 13, 2005, the Department issued its respondent–selection memorandum, selecting the following companies as mandatory respondents in this investigation: the Watanabe Group, Atico, and Lian Li.

[1] The Watanabe Group companies; Yalong Paper Products (Kunshan) Co., Ltd. (''Yalong''); Changshu Changjiang Printing Co., Ltd. (''Changjiang''); Shanghai Lian Li Paper Products Co., Ltd. (''Lian Li''); Ningbo Guangbo Imports and Exports Co., Ltd. (''Ningbo''); Suzhou Industrial Park Asia Pacific Paper Converting Co., Ltd. (''Suzhou''); Sunshine International Group (HK) Ltd. (''Sunshine''); Shanghai Foreign Trade Enterprise Co., Ltd. (''SFTE''); Shanghai Lansheng Stationery & Sporting Goods Import & Export Co., Ltd. (''Lansheng''); Jiaxing Te Gao Te Paper Products Co., Ltd. (''Te Gao Te''); Chinapack Ningbo Paper Products Co., Ltd. (''Chinapack''); Planet International Company, Ltd. (''Planet''); Planet (Hong Kong) International Company, Ltd. (''Planet HK''); Linqing Silver Star Paper Products Co., Ltd. (''Linqing Silver''); You-You Paper Products (Suzhou) Co., Ltd. (''You-You''); Suzhou Industrial Park You-You Trading Co., Ltd. (''You-You Trading''); Yantai Licence Printing & Making Co., Ltd. (''Yantai''); Fujian Hengda Group Co., Ltd. (''Hengda''); Wah Kin Stationery and Paper Product Limited (''Wah Kin''); Haijing Stationery (Shanghai) Co., Ltd. (''Haijing''); Orient International Holding Shanghai Foreign Trade Co., Ltd. (''Orient''); Anhui Light Industries International Co., Ltd. (''Anhui Light''); and Shanghai Pudong Wenbao Paper Products Factory (''Wenbao Paper''), Shanghai Glistar Paper Products Co., Ltd. (''Shanghai Glistar''), Linqing Glistar Paper Products Co., Ltd. (''Linqing Glistar''), and Paperline Limited (''Paperline'').

[2] The Watanabe Group is comprised of three companies, as noted above. Each company filed a separate-rate application.

See ''Selection of Respondents'' section, below.

On December 13, 2005, the Department issued its antidumping questionnaire to the Watanabe Group, Atico, and Lian Li. The Watanabe Group and Lian Li submitted timely responses to the questionnaire. On January 26, 2006, Atico submitted a letter informing the Department that it was unable to participate further in this investigation. *See* ''Use of Total Adverse Facts Available'' section, below.

On December 20, 2005, the Department determined that India, Sri Lanka, Indonesia, the Philippines, and Egypt are countries comparable to the PRC in terms of economic development. *See* Memorandum from Ron Lorentzen, Director, Office of Policy to Wendy Frankel, Director, China/NME Group, Office 8: Antidumping Duty Investigation of Certain Lined Paper Products from the People's Republic of China (PRC): Request for a List of Surrogate Countries, dated December 20, 2005 (Office of Policy Surrogate Countries Memorandum).

On January 31, 2006, the Department found that Petitioner's critical circumstances allegation did not in itself provide a sufficient factual basis for making an affirmative finding. *See* Memorandum for Stephen J. Claeys, Deputy Assistant Secretary for Import Administration from Susan H. Kuhbach, Director, Office 1, Melissa Skinner, Director, Office 3 and Wendy J. Frankel, Director, Office 8, Import Administration: Antidumping Duty Investigations of Certain Lined Paper Products from India, Indonesia, and the People's Republic of China and Countervailing Duty Investigations of Certain Lined Paper Products from India and Indonesia: Whether Critical Circumstances Exist with Respect to Imports of Certain Lined Paper Products. However, the Department stated that it would monitor imports of merchandise covered by the scope of these investigations in order to determine whether the criteria for a finding of critical circumstances are met. In order to make a critical circumstances determination, we requested on February 8 and March 1, 2006, respectively, that the Watanabe Group and Lian Li report the monthly quantity and value of shipments of subject merchandise to the United States covering the period from September 2002 through April 2006. On March 15, 2006, we requested the same information from all separate–rate status applicants.

On January 23, 2006, the Department received a request from Petitioner requesting that the Department postpone the preliminary determination by 30 days, *i.e.*, until March 18, 2006. We did so on February 10, 2006. *See Notice of Postponement of Preliminary Determination of Antidumping Duty Investigation: Certain Lined Paper Products from the People's Republic of China, India, and Indonesia*, 71 FR 7015 (February 10, 2006). On February 21, 2006, the Department received a request that the Department postpone the preliminary determination by an additional 20 days. On March 14, 2006, the Department published a postponement of the preliminary determination on CLPP from the PRC until April 7, 2006. *See Notice of Postponement of Preliminary Determinations of Antidumping Duty Investigation: Certain Lined Paper Products from the People's Republic of China and India*, 71 FR 13090 (March 14, 2006).

On February 21, 2006, Petitioner, the Watanabe Group, and Lian Li submitted surrogate value data. Petitioner argued that India is the appropriate surrogate country and provided only Indian surrogate value data. The Watanabe Group and Lian Li likewise submitted only Indian surrogate value data.

On February 25, 2006, we requested additional information from Orient, Ningbo, Planet, Planet HK, Haijing, Suzhou and Sunshine regarding their separate–rate applications, and received a timely response from each company.

Postponement of Final Determination

Section 735(a) of the Act provides that a final determination may be postponed until no later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise or, in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of the Department's regulations requires that requests by respondents for postponement of a final determination be accompanied by a request for an extension of the provisional measures from a four-month period to not more than six months. On April 6, 2006, Lian Li requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 60 days until 135 days after the publication of the preliminary determination. Additionally, Lian Li requested that the Department extend the provisional measures under section 733(d) of the Act. On April 7, 2006, the Watanabe Group requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 30 days until 105 days after the publication of the preliminary determination. Additionally, the Watanabe Group and Lian Li requested that the Department extend the provisional measures under Section 733(d) of the Act. Accordingly, because we have made an affirmative preliminary determination and the requesting parties account for a significant proportion of the exports of the subject merchandise, pursuant to 735(a)(2) of the Act, we have postponed the final determination until no later than 135 days after the date of publication of the preliminary determination and are extending the provisional measures accordingly.

Period of Investigation

The POI is January 1, 2005, through June 30, 2005. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (September 2005). *See* 19 CFR 351.204(b)(1).

Scope of Investigation

The scope of this investigation includes certain lined paper products, typically school supplies,[3] composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets,[4] including but not limited to such products as single- and multi–subject notebooks, composition books, wireless notebooks, looseleaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8–3/4 inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or ''tear–out'' size), and are measured as they appear in the product (*i.e.*, stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of binders board, a spine strip, and cover wrap).

[3] For purposes of this scope definition, the actual use or labeling of these products as school supplies or non-school supplies is not a defining characteristic.

[4] There shall be no minimum page requirement for looseleaf filler paper.

Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of this petition whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items such as sticker sheets or miniature calendars, if such items are physically incorporated, included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of this investigation are:

• unlined copy machine paper;

• writing pads with a backing (including but not limited to products commonly known as ''tablets,'' ''note pads,'' ''legal pads,'' and ''quadrille pads''), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole–punched or drilled filler paper;

• three–ring or multiple–ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;

• index cards;

• printed books and other books that are case bound through the inclusion of binders board, a spine strip, and cover wrap;

• newspapers;

• pictures and photographs;

• desk and wall calendars and organizers (including but not limited to such products generally known as ''office planners,'' ''time books,'' and ''appointment books'');

• telephone logs;

• address books;

• columnar pads & tablets, with or without covers, primarily suited for the recording of written numerical business data;

• lined business or office forms, including but not limited to: preprinted business forms, lined invoice pads and paper, mailing and address labels, manifests, and shipping log books;

• lined continuous computer paper;

• boxed or packaged writing stationary (including but not limited to products commonly known as ''fine business paper,'' ''parchment paper,'' and ''letterhead''), whether or not containing a lined header or decorative lines;

• Stenographic pads (''steno pads''), Gregg ruled,[5] measuring 6 inches by 9 inches;

Also excluded from the scope of this investigation are the following trademarked products:

• Fly™ lined paper products: A notebook, notebook organizer, loose or glued note paper, with papers that are printed with infrared reflective inks and readable only by a Fly™ pen–top computer. The product must bear the valid trademark Fly™.[6]

• Zwipes™: A notebook or notebook organizer made with a blended polyolefin writing surface as the cover and pocket surfaces of the notebook, suitable for writing using a specially–developed permanent marker and erase system (known as a Zwipes™ pen). This system allows the marker portion to mark the writing surface with a permanent ink. The eraser portion of the marker dispenses a solvent capable of solubilizing the permanent ink allowing the ink to be removed. The product must bear the valid trademark Zwipes™.[7]

• FiveStar®Advance™: A notebook or notebook organizer bound by a continuous spiral, or helical, wire and with plastic front and rear covers made of a blended polyolefin plastic material joined by 300 denier polyester, coated on the backside with PVC (poly vinyl chloride) coating, and extending the entire length of the spiral or helical wire. The polyolefin plastic covers are of specific thickness; front cover is .019 inches (within normal manufacturing tolerances) and rear cover is .028 inches (within normal manufacturing tolerances). Integral with the stitching that attaches the polyester spine covering, is captured both ends of a 1'' wide elastic fabric band. This band is located 2–3/8'' from the top of the front plastic cover and provides pen or pencil storage. Both ends of the spiral wire are cut and then bent backwards to overlap with the previous coil but specifically outside the coil diameter but inside the polyester covering. During construction, the polyester covering is sewn to the front and rear covers face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. The flexible polyester material forms a covering over the spiral wire to protect it and provide a comfortable grip on the product. The product must bear the valid trademarks FiveStar®Advance™.[8]

• FiveStar Flex™: A notebook, a notebook organizer, or binder with plastic polyolefin front and rear covers joined by 300 denier polyester spine cover extending the entire length of the spine and bound by a 3–ring plastic fixture. The polyolefin plastic covers are of a specific thickness; front cover is .019 inches (within normal manufacturing tolerances) and rear cover is .028 inches (within normal manufacturing tolerances). During construction, the polyester covering is sewn to the front cover face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. During construction, the polyester cover is sewn to the back cover with the outside of the polyester spine cover to the inside back cover. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. Each ring within the fixture is comprised of a flexible strap portion that snaps into a stationary post which forms a closed binding ring. The ring fixture is riveted with six metal rivets and sewn to the back plastic cover and is specifically positioned on the outside back cover. The product must bear the valid trademark FiveStar Flex™.[9]

Merchandise subject to this proceeding is typically imported under headings 4820.10.2050, 4810.22.5044, 4811.90.9090 of the Harmonized Tariff Schedule of the United States (HTSUS).[10] The tariff classifications are provided for convenience and customs purposes; however, the written description of the scope of the proceeding is dispositive.

Scope Comments

In accordance with the preamble to our regulations (*See Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997)), in our initiation notice we set aside a period of time for parties to raise issues regarding product coverage and encouraged all parties to submit comments within 20 calendar days of publication of the

[5] ''Gregg ruling'' consists of a single- or double-margin vertical ruling line down the center of the page. For a six-inch by nine-inch stenographic pad, the ruling would be located approximately three inches from the left of the book.

[6] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[7] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[8] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[9] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[10] During the investigation additional HTS codes may be identified.

initiation notice. *See Notice of Initiation* at 58375.

On October 28, 2005, Continental Accessory Corporation (''Continental'') submitted timely scope comments in which it argued that the Department should issue a ruling that the scope of these investigations does not cover ''fashion stationery,'' a niche lined paper product. Continental argued that fashion stationery is substantially different from subject commodity–grade lined paper products because of differences in physical appearance, production methods, costs, consumer expectations, and other factors. Continental also argued that none of the domestic petitioners has the capability of manufacturing fashion stationery in the United States.

On November 16, 2005, Petitioner submitted rebuttal comments. Petitioner argued that what Continental refers to as ''stationery,'' and ''fashion goods,'' is actually nothing more than notebooks. Contrary to Continental's allegation, Petitioner claimed these notebooks are ''substantially produced'' within the United States. Petitioner stated that the language of the scope is clear in describing the products for which relief is sought, ''certain lined paper products regardless of the material used for a front or back cover, regardless of the inclusion of material on the front and cover, and regardless of the binding materials.'' Petitioner also argued that Continental's claim that fashion notebooks ''are not intended to be included with covered merchandise'' is baseless. Petitioner stated that Continental had provided no evidence to demonstrate that the purchaser views fashion notebooks as a higher value product. Lastly, Petitioner noted that the ITC had already rejected Continental's claims that its fashion books are not within the scope of the domestic like product or should be treated as a separate like product. *See ITC Preliminary Report*.

As further discussed in the memorandum to Stephen J. Claeys, Deputy Assistant Secretary for AD/CVD Operations, Import Administration, through Susan H. Kuhbach, Director, Office 1, AD/CVD Operations, from Damian Felton, case analyst: Antidumping and Countervailing Duty Investigation: Scope Exclusion/ Clarification Request: Continental Accessory Corporation, dated March 20, 2006, the Department denied Continental's request that its fashion notebooks be excluded from the scope of the investigation.

On March 29, 2006, SchoolMax LLC (''SchoolMax''), a U.S. importer of CLPP from the PRC requested that the Department determine that certain products imported by SchoolMax are outside the scope of these investigations. The Department will consider this request for the final determination in these investigations.

Selection of Respondents

Section 777A(c)(1) of the Act directs the Department to calculate individual weighted–average dumping margins for each known exporter and producer of the subject merchandise. Section 777A(c)(2) of the Act gives the Department discretion, when faced with a large number of exporters/producers, to limit its examination to a reasonable number of such companies if it is not practicable to examine all companies. Where it is not practicable to examine all known producers/exporters of subject merchandise, this provision permits the Department to investigate either (1) a sample of exporters, producers, or types of products that is statistically valid based on the information available to the Department at the time of selection or (2) exporters/ producers accounting for the largest volume of the merchandise under investigation that can reasonably be examined. After consideration of the complexities expected to arise in this proceeding and the resources available to it, the Department determined that it was not practicable in this investigation to examine all known producers/ exporters of subject merchandise. Instead, we limited our examination to the exporters and producers accounting for the largest volume of the subject merchandise pursuant to section 777A(c)(2)(B) of the Act. The Watanabe Group, Atico, and Lian Li, the exporters accounting for the largest volume of exports to the United States, account for a significant percentage of all exports of the subject merchandise from the PRC during the POI and were selected as mandatory respondents. *See* Memorandum from Charles Riggle, Program Manager, AD/CVD Enforcement, Office 8, to Wendy J. Frankel, Director, AD/CVD Enforcement, Office 8, Selection of Respondents for the Antidumping Duty Investigation of Certain Lined Paper Products from the People's Republic of China, dated December 13, 2005 (''Respondent Selection Memo'').

Non–Market Economy Country

For purposes of initiation, Petitioner submitted an LTFV analysis for the PRC as an NME. *See Notice of Initiation*, 70 FR at 58377. In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. *See*, *e.g.*, *Final Determination of Sales at Less Than Fair Value: Certain Artist Canvas from the People's Republic of China*, 71 FR 16116 (March 30, 2006) (''*Artist Canvas*''). Therefore, we have treated the PRC as an NME country for purposes of this preliminary determination.

Surrogate Country

When the Department is investigating imports from an NME country or producer, section 773(c)(1) of the Act directs it to base normal value (''NV''), in most circumstances, on the NME producer's factors of production valued in a surrogate market–economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the factors of production, the Department shall utilize, to the extent possible, the prices or costs of factors of production in one or more market–economy countries that are at a level of economic development comparable to that of the NME country and are significant producers of comparable merchandise. The sources of the surrogate values we have used in this investigation are discussed under the ''Normal Value'' section below.

As stated previously, the Department determined that India, Indonesia, Sri Lanka, the Philippines, and Egypt are countries comparable to the PRC in terms of economic development. *See* Office of Policy Surrogate Countries Memorandum. Once the countries that are economically comparable to the PRC have been identified, we select an appropriate surrogate country by determining whether an economically comparable country is a significant producer of comparable merchandise and whether the data for valuing factors of production is both available and reliable.

We have made the following determination about the use of India as a surrogate country pursuant to section 773(c)(4) of the Act: (A) India is at a level of economic development comparable to that of the PRC, and (B) India is a significant producer of comparable merchandise. Furthermore, we have reliable data from India that we can use to value the factors of production. *See* Memorandum to Wendy J. Frankel, Director, Office 8, AD/CVD Operations through Charles Riggle, Program Manager, from Hua Lu, Case Analyst: Antidumping Investigation of Certain Lined Paper Products from the People's Republic of

China: Selection of a Surrogate Country, dated April 7, 2006. Thus, we have calculated NV using Indian prices when available and appropriate to value the factors of production of the CLPP producers. We have obtained and relied upon publicly available information wherever possible. *See* Memorandum to the File from Marin Weaver, Paul Stolz, Frances Veith, and William M. Quigley, International Trade Compliance Analysts, through Charles Riggle, Program Manager, and Wendy J. Frankel, Director, Office 8, Import Administration: Certain Lined Paper Products from the People's Republic of China: Factors–of-Production Valuation for Preliminary Determination, dated April 7, 2006 (''Factor–Valuation Memorandum'').

In accordance with 19 CFR 351.301(c)(3)(i), for the final determination in an antidumping investigation, interested parties may submit publicly available information to value the factors of production within 40 days after the date of publication of the preliminary determination.

Affiliation

Section 771(33) of the Act states that the Department considers the following entities to be affiliated: (A) Members of a family, including brothers and sisters (whether by whole or half blood), spouse, ancestors, and lineal descendants; (B) Any officer or director of an organization and such organization; (C) Partners; (D) Employer and employee; (E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization and such organization; (F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person; and (G) Any person who controls any other person and such other person.

For purposes of affiliation, section 771(33) of the Act states that a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person. In order to find affiliation between companies, the Department must find that at least one of the criteria listed above is applicable to the respondents.

To the extent that the affiliation provisions in section 771(33) of the Act do not conflict with the Department's application of separate rates and the statutory NME provisions in section 773(c) of the Act, the Department will determine that exporters and/or producers are affiliated if the facts of the case support such a finding. *See Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Sixth New Shipper Review and Preliminary Results and Partial Rescission of Fourth Antidumping Duty Administrative Review*, 69 FR 10410, 10413 (March 5, 2004), unchanged in *Final Results and Final Rescission, in Part, of Antidumping Duty Administrative Review: Certain Preserved Mushrooms From the People's Republic of China*, 70 FR 54361 (September 14, 2005).

Watanabe Group

Following these guidelines, we preliminarily determine that members of the Watanabe Group are affiliated pursuant to section 771(33) of the Act. We are also treating them as a single entity for purposes of this investigation. *See* Memorandum to Wendy Frankel, Director, from Charles Riggle, Program Manager: Antidumping Duty Investigation of Certain Lined Paper Products from the People's Republic of China: Affiliation and Treatment of the Watanabe Group as a Single Entity, dated April 7, 2006.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. The mandatory respondents and several separate rate applicants have provided company–specific information and each has stated that it meets the standards for the assignment of a separate rate.

We have considered whether the mandatory respondents and the separate rate applicants referenced above are eligible for a separate rate. The Department's separate–rate test to determine whether the exporters are independent from government control does not consider, in general, macroeconomic/border–type controls, *e.g.*, export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision–making process at the individual firm level. *See Certain Cut–to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value*, 62 FR 61754, 61758 (November 19, 1997); and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 61276, 61279 (November 17, 1997).

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2,1994) (''*Silicon Carbide*''). In accordance with the separate–rates criteria, the Department assigns separate rates in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

1. Absence of *De Jure* Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) other formal measures by the government decentralizing control of companies. *See Sparklers*, 56 FR at 20589.

2. Absence of *De Facto* Control

Typically the Department considers the following four factors in evaluating whether each respondent is subject to *de facto* government control of its export functions: (1) whether the export prices are set by or are subject to the approval of a government agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. *See Silicon Carbide*, 59 FR at 22586–87; *See, also*, *Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995). The

Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of government control which would preclude the Department from assigning separate rates.

The evidence placed on the record of this investigation demonstrates an absence of government control, both in law and in fact, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*, for the Watanabe Group and Lian Li, mandatory respondents in this proceeding, and the following separate–rate status applicants that shipped subject merchandise to the United States during the POI: Anhui Light, Changjiang, Chinapack, Essential, Hengda, Haijing, Te Gao Te, Linqing Silver, MGA, Ningbo, Orient, Paperline, Planet HK, Planet, Wenbao Paper, SFTE, Sunshine, Suzhou, You–You Trading, Wah Kin, and Yalong. As a result, for the purposes of this preliminary determination, we have granted separate–rate status to these companies.

Evidence placed on the record of this investigation fails to demonstrate an absence of government control, both in law and in fact, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*, for the following companies: Atico, Lansheng, You–You, Excel, Maxleaf, Yantai, and Yizhi Gao. For a full discussion of this issue, please *See* Memorandum to Wendy Frankel, Director, through Charles Riggle, Program Manager, from Robert Bolling, Program Manager: Certain Lined Paper Products from the People's Republic of China: Separate Rates Memorandum (''Separate Rates Memorandum''), dated April 7, 2006.

Use of Total Adverse Facts Available

The PRC Entity – PRC–Wide Rate

The Department has data that indicate there were more exporters of CLPP from the PRC during the POI than those that responded to the Q&V questionnaire or the full antidumping questionnaire. *See* Respondent Selection Memorandum at 1. We issued the Q&V questionnaire to 45 known Chinese exporters of the subject merchandise but received responses from only 32, with one reporting that it made no shipments of subject merchandise during the POR. Also, on October 20, 2005, we issued our Q&V questionnaire to the government of the PRC (through the Ministry of Commerce). The government of the PRC did not respond to the Department's questionnaire. In addition, Atico, one of the mandatory respondents, did not respond to sections C, D and E of the Department's antidumping questionnaire. Therefore, the Department determines preliminarily that there were exports of the merchandise under investigation from PRC producers/exporters that did not respond to the Department's questionnaire, and we are treating these PRC producers/exporters as part of the countrywide entity.

Atico

Atico withheld or failed to provide information specifically requested by the Department during the course of this investigation. After submission of its separate–rate application and Section A questionnaire response, Atico submitted a letter on January 26, 2006, stating that it was unable to participate further in this investigation. Atico did not submit a response to the remainder of its questionnaire. We find that because Atico ceased participation in the investigation and none of the information submitted can be verified, Atico does not merit a separate rate and will be subject to the PRC–wide rate.

The Department will consider all margins on the record at the time of the final determination for the purpose of determining the most appropriate AFA rate for the PRC–wide entity. *See Preliminary Determination of Sales at Less Than Fair Value: Saccharin from the People's Republic of China*, 67 FR 79049, 79053–54 (December 27, 2002), unchanged in *Final Determination of Sales at Less Than Fair Value: Saccharin From the People's Republic of China*, 68 FR 27530 (May 20, 2003).

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information that has been requested by the Department, (B) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

Information on the record of this investigation indicates that there are numerous producers/exporters of CLPP in the PRC. Information on the record also indicates that the responding companies did not account for all imports into the United States from the PRC. Therefore, we preliminarily determine that certain PRC exporters of CLPP failed to respond to our questionnaires. Additionally, in this case, the government of the PRC did not respond to the Department's questionnaire, and Atico, a mandatory respondent, stopped cooperating in this investigation. As a result, use of facts available pursuant to section 776(a)(2)(A) of the Act is appropriate for the PRC entity. *See*, *e.g.*, Artist Canvas, 71 FR 16116 (March 30, 2006).

Section 776(b) of the Act provides that if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information, the Department may employ adverse inferences. *See*, *e.g.*, *Artist Canvas*, 71 FR 16116 (March 30, 2006). *See also* Statement of Administrative Action accompanying the URAA, H.R. Rep No. 103–316 (''SAA'') at 870. We find that, because the PRC–wide entity did not respond to our request for information, it has failed to cooperate to the best of its ability. Therefore, the Department preliminarily finds that, in selecting from among the facts available, an adverse inference is appropriate.

In selecting from among the facts available, Section 776(b) of the Act authorizes the Department to use adverse–facts-available (''AFA'') information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record. In selecting a rate for AFA, the Department selects a rate that is sufficiently adverse ''as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors from Taiwan*, 63 FR 8909, 8932 (February 23, 1998). It is the Department's practice to select, as AFA, the higher of the (a) highest margin alleged in the petition, or (b) the highest calculated rate of any respondent in the investigation. *See Final Determination of Sales at Less Than Fair Value: Certain Cold–Rolled Carbon Quality Steel Products from the People's Republic of China*, 65 FR 34660 (May 31, 2000), and accompanying Issues and Decision Memorandum, at ''Facts Available.'' As AFA, we have

assigned to the PRC–wide entity a margin based on information in the petition because the margins derived from the petition are higher than the calculated margins for the selected respondents. In this case, we have applied a rate of 258.21 percent.

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation as facts available, it must, to the extent practicable, corroborate that information from independent sources reasonably at its disposal. Secondary information is described in the *SAA* as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See* SAA at 870. The SAA provides that to ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. *See id*. The *SAA* also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See id.* As explained in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Final Results of Antidumping Duty Administrative Reviews and Termination in Part: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan*, 62 FR 11825 (March 13, 1997), to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

Petitioner's methodology for calculating the export price (''EP'') and NV in the petition is discussed in the initiation notice. *See Notice of Initiation*, 70 FR at 58377–8. To corroborate the AFA margin we have selected, we compared the net export prices and normal values used to calculate the margin listed in the *Notice of Initiation* with the export prices and normal values calculated for the mandatory respondents in this investigation.

As discussed in Memorandum to The File from Charles Riggle, Program Manager, China/NME Group, Corroboration for the Preliminary Determination of Certain Lined Paper Products from the People's Republic of China, regarding the corroboration of the AFA rate, we found that the margin of 258.21 percent has probative value. Accordingly, we find that the rate of 258.21 percent is corroborated within the meaning of section 776(c) of the Act.

Consequently, we are applying a single antidumping rate – the PRC–wide rate – to producers/exporters that failed to respond to the Department's antidumping questionnaire, and/or the Q&V questionnaire and/or the separate–rate application, as applicable. This rate will also apply to separate–rate status applicants which did not demonstrate entitlement to a separate rate. *See, e.g., Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China*, 65 FR 25706, 25707 (May 3, 2000). The PRC–wide rate applies to all entries of the merchandise under investigation except for entries from mandatory respondents the Watanabe Group and Lian Li and from separate–rate applicants that received separate–rate status. These companies and their corresponding antidumping duty cash deposit rates are listed below in the ''Preliminary Determination'' section of this notice.

Margin for the Separate Rate Applicants

Several exporters of CLPP from the PRC, listed above, were not selected as mandatory respondents in this investigation but have applied for separate–rate status and provided information to the Department for this purpose. We have established a weighted–average margin for all applicants that have established that they are entitled to a separate rate, based on the rates we calculated for the mandatory respondents, excluding any rates that are zero, *de minimis*, or based entirely on AFA. That rate is 135.02 percent. *See* ''Separate Rates Memorandum.'' The exporters given a separate rate are identified by name in the ''Preliminary Determination'' section of this notice.

Date of Sale

Section 351.401(i) of the Department's regulations states that, in identifying the date of sale of the subject merchandise or foreign like product, the Secretary normally will use the date of invoice, as recorded in the exporter or producer's records kept in the normal course of business. However, the Department may use a date other than the date of invoice if the Department is satisfied that a different date better reflects the date on which the exporter or producer establishes the material terms of sale. *See* 19 CFR 351.401(i); *See also Allied Tube and Conduit Corp. v. United States*, 132 F. Supp. 2d 1087, 1090–1093 (CIT 2001).

After examining the questionnaire responses and the sales documentation that the Watanabe Group and Lian Li placed on the record, we preliminarily determine that the invoice date is the most appropriate date of sale except where the shipment date precedes the invoice date for EP sales. We made this determination based on record evidence which demonstrates that the Watanabe Group and Lian Li invoices establish the material terms of sale to the extent required by our regulations. We also determine that for EP sales, the terms of sale cannot be established after the date of shipment. Accordingly, where the shipment date precedes the invoice date, the Department considers the shipping date to be the date of sale.

Critical Circumstances

On November 28, 2005, Petitioner requested that the Department make an expedited finding that critical circumstances exist with respect to CLPP from the PRC. Petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to the subject merchandise. Petitioner based its allegation on evidence of retailers engaging in negotiations that would cause a surge of imports of subject merchandise into the United States from December 2005 through February 2006 (in advance of the preliminary determination date) in order to avoid duties.

In accordance with 19 CFR 351.206(c)(2), since this allegation was filed more than 20 days before the scheduled date of the Department's preliminary determination, we must issue our preliminary critical circumstances determination not later than the preliminary determination. *See Policy Bulletin 98/4 regarding Timing of Issuance of Critical Circumstances Determinations*, 63 FR 55364 (October 15, 1998).

Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise; or (ii) the person by

whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

Accordingly, we preliminarily find that critical circumstances exist for imports of subject merchandise from Changjiang, Hengda, Linqing Silver, SFTE, Wenbao Paper, Paperline, and Wah Kin. In addition, we preliminarily find that critical circumstances do not exist for Anhui Light, Chinapack, Essential Industries Limited, Excel, Haijing, Te Gao Te, Lian Li, MGA, Ningbo, Orient, Planet HK, Planet, Sunshine, Suzhou, You–You Trading, the Watanabe Group, and Yalong. See Memorandum to Stephen Claeys from Juanita Chen through Robert Bolling and Wendy Frankel: Lined Paper Products from the People's Republic of China: Preliminary Determination of Critical Circumstances.

We also preliminarily find that critical circumstances exist for imports of CLPP for the PRC entity.

Fair Value Comparisons

To determine whether sales of CLPP to the United States by the mandatory respondents were made at LTFV, we compared EP to NV, as described in the ''U.S. Price'' and ''Normal Value'' sections of this notice.

U.S. Price

In accordance with section 772(a) of the Act, we used EP for the Watanabe Group and Lian Li, because the subject merchandise was first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States and because the use of constructed export price was not otherwise indicated.

We calculated EP based on the packed F.O.B., C.I.F., or delivered price to unaffiliated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, for any movement expenses (*e.g.*, foreign inland freight from the plant to the port of exportation, domestic brokerage) in accordance with section 772(c)(2)(A) of the Act. For a detailed description of all adjustments, *See* Memorandum to The File Through Charles Riggle, Program Manager, from Marin Weaver, International Trade Compliance Analyst, RE: Calculation of Preliminary Margin for Watanabe Paper Product (Shanghai) Co., Ltd., Hotrock Stationery (Shenzhen) Co., Ltd., and Watanabe Paper Product (Linqing) Co., Ltd. (''Watanabe Group Calc Memo'') dated April 7, 2006, and Memorandum to The File Through Charles Riggle, Program Manager, from Fran Veith, International Trade Compliance Analyst, RE: Calculation of Preliminary Margin for Shanghai Lian Li Paper Products Co., Ltd., (''Lian Li Calc Memo'') dated April 7, 2006.

Normal Value

We compared NV to weighted–average EPs in accordance with section 777A(d)(1) of the Act. For a detailed description of all adjustments, See Watanabe Group Calc Memo and Lian Li Calc Memo.

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors–of-production methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home–market prices, third–country prices, or constructed value under section 773(a) of the Act. The Department bases NV on the factors of production because the presence of government controls on various aspects of these economies renders price comparisons and the calculation of production costs invalid under its normal methodologies.

The Department's questionnaire requires that the respondent provide information regarding the weighted–average factors of production across all of the company's plants that produce the subject merchandise, not just the factors of production from a single plant. This methodology ensures that the Department's calculations are as accurate as possible. *See*,*e.g.*, *Final Determination of Sales at Less Than Fair Value and Critical Circumstances: Certain Malleable Iron Pipe Fittings From the People's Republic of China*, 68 FR 61395 (October 28, 2003), and the accompanying Issues and Decision Memorandum at Comment 19. The Department calculated the factors of production using the weighted–average factor values for all of the facilities involved in producing the subject merchandise for each exporter. The Department calculated NV for each matching control number (CONNUM) based on the factors of production reported from each of the exporters' suppliers and then averaged the supplier–specific NV together weighted by production quantity to derive a single, weighted–average NV for each CONNUM exported by each exporter.

Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by respondents for the POI. To calculate NV, we multiplied the reported per–unit factor–consumption rates by publicly available Indian surrogate values. In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices by including freight costs to make them delivered prices. Specifically, we added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory of production or the distance from the nearest seaport to the factory of production where appropriate. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp. v. United States*, 117 F. 3d 1401, 1407–1408 (Fed. Cir. 1997).

For this preliminary determination, in accordance with past practice, we used data from the Indian Import Statistics, from *Indian Printer and Publisher*, and from the Maharashtra Industrial Development Corporation (*www.midcindia.org*) to calculate surrogate values for the mandatory respondents' material inputs. In selecting the best available information for valuing factors of production in accordance with section 773(c)(1) of the Act, the Department's practice is to select, to the extent practicable, surrogate values which are non–export average values, most contemporaneous with the POI, product–specific, and tax–exclusive. *See*, *e.g.*, *Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 42672, 42682 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004). In selecting *Indian Printer and Publisher* as the source with which to value paper inputs, we preliminarily found that this source best meets the Department's stated practice of using ''prices specific to the input in question''[11] that are

[11] *See* Import Administration Policy Bulletin Number: 04.1 Topic: Non-Market Economy Surrogate Country Selection Process, dated March 1, 2004.

contemporaneous with the POI. For the final determination, the Department will consider any additional information placed on the record regarding the appropriate surrogate value for paper inputs.

Where we could not obtain publicly available information contemporaneous with the POI with which to value factors, we adjusted the surrogate values using, where appropriate, the Indian Wholesale Price Index as published in the *Handbook on Statistics of Indian Economy* published by the Reserve Bank of India.

Furthermore, with regard to the Indian import–based surrogate values, we have disregarded import prices that we have reason to believe or suspect may be subsidized. We have reason to believe or suspect that prices of inputs from Indonesia, South Korea, and Thailand may have been subsidized. We have found in other proceedings that these countries maintain broadly available, non–industry-specific export subsidies and, therefore, it is reasonable to infer that all exports to all markets from these countries may be subsidized. *See Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers From the People's Republic of China*, 69 FR 20594 (April 16, 2004). We are also directed by the legislative history not to conduct a formal investigation to ensure that such prices are not subsidized. *See H.R. Rep.* 100–576 at 590 (1988). Rather, Congress directed the Department to base its decision on information that is available to it at the time it makes its determination. Therefore, we have not used prices from these countries in calculating the Indian import–based surrogate values. In instances where a market–economy input was obtained solely from suppliers located in these countries, we used Indian import–based surrogate values to value the input. In addition, we excluded Indian import data from NME countries from our surrogate value calculations.

For a detailed description of all surrogate values used for respondents, See Factor–Valuation Memorandum.

For direct, indirect, and packing labor, consistent with 19 CFR 351.408(c)(3), we used the PRC regression–based wage rate as reported on Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in November 2005, *http://ia.ita.doc.gov/wages/index.html*. Because this regression–based wage rate does not separate the labor rates into different skill levels or types of labor, we have applied the same wage rate to all skill levels and types of labor reported by the respondent. See Factor–Valuation Memorandum.

To value electricity, we used data from the International Energy Agency *Key World Energy Statistics* (2003 edition). Because the value was not contemporaneous with the POI, we adjusted the rate for inflation. See Factor–Valuation Memorandum.

The Department valued water using data from the Maharashtra Industrial Development Corporation (*http://www.midcindia.org*) since it includes a wide range of industrial water tariffs. This source provides 386 industrial water rates within the Maharashtra province from June 2003: 193 for the ''inside industrial areas'' usage category and 193 for the ''outside industrial areas'' usage category. Because the value was not contemporaneous with the POI, we adjusted the rate for inflation. See Factor–Valuation Memorandum.

We used Indian transport information in order to value the inland freight cost of the raw materials. The Department determined the best available information for valuing truck freight to be from *www.infreight.com*. This source provides daily rates from six major points of origin to five destinations in India during the POI. The Department obtained a price quote on the first day of each month of the POI from each point of origin to each destination and averaged the data accordingly. *See* Factor–Valuation Memorandum.

The Department used two sources to calculate a surrogate value for domestic brokerage expenses. The Department averaged December 2003–November 2004 data contained in Essar Steel's February 28, 2005, public version response submitted in the antidumping duty administrative review of hot–rolled carbon steel flat products from India with February 2004–January 2005 data contained in Agro Dutch Industries Limited's (''Agro Dutch'') May 24, 2005, public version response submitted in the administrative review of the antidumping duty order on certain preserved mushrooms from India. The brokerage expense data reported by Essar Steel and Agro Dutch in their public versions are ranged data. The Department first derived an average per–unit amount from each source. Then the Department adjusted each average rate for inflation. Finally, the Department averaged the two per–unit amounts to derive an overall average rate for the POI. *See* Factor–Valuation Memorandum.

To value factory overhead, selling, general, and administrative expenses, and profit, we used the 2004–2005 annual report of Kanoi Paper & Industries Ltd., a producer of paper products from India. *See* Factor–Valuation Memorandum for a full discussion of the calculation of the ratios from this annual report. The Department may consider other publicly available financial statements for the final determination, as appropriate.

Currency Conversion

We made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify the information from the Watanabe Group and Lian Li upon which we will rely in making our final determination. Additionally, we may also verify the information on the record submitted by selected separate–rate applicants.

Combination Rates

In the *Notice of Initiation*, the Department stated that it would calculate combination rates for certain respondents that are eligible for a separate rate in this investigation. *See Notice of Initiation*, 70 FR at 58379. This change in practice is described in *Policy Bulletin 05.1*, which states:

> ''[w]hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non–investigated firms receiving the weighted–average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash–deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.''

Policy Bulletin 05.1, at page 6.

Preliminary Determination

The weighted–average dumping margins are as follows:

Exporter	Producer	Weighted–Average Deposit Rate
Watanabe Paper Product (Linqing) Co., Ltd.	Watanabe Paper Product (Linqing) Co., Ltd.	143.49
Watanabe Paper Product (Linqing) Co., Ltd.	Hotrock Stationery (Shenzhen) Co., Ltd.	143.49
Watanabe Paper Product (Linqing) Co., Ltd.	Watanabe Paper Products (Shanghai) Co., Ltd.	143.49
Hotrock Stationery (Shenzhen) Co., Ltd.	Hotrock Stationery (Shenzhen) Co., Ltd.	143.49
Hotrock Stationery (Shenzhen) Co., Ltd.	Watanabe Paper Product (Linqing) Co., Ltd.	143.49
Hotrock Stationery (Shenzhen) Co., Ltd.	Watanabe Paper Products (Shanghai) Co., Ltd.	143.49
Watanabe Paper Products (Shanghai) Co., Ltd.	Watanabe Paper Products (Shanghai) Co., Ltd.	143.49
Watanabe Paper Products (Shanghai) Co., Ltd.	Hotrock Stationery (Shenzhen) Co., Ltd.	143.49
Watanabe Paper Products (Shanghai) Co., Ltd.	Watanabe Paper Product (Linqing) Co., Ltd.	143.49
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Lian Li Paper Products Co., Ltd.	52.10
Shanghai Lian Li Paper Products Co., Ltd.	Sentian Paper Products Co., Ltd	52.10
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Miaopaofang Paper Products Co., Ltd	52.10
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Pudong Wenbao Paper Products Co., Ltd.	52.10
Shanghai Lian Li Paper Products Co., Ltd.	Changshu Changjiang Printing Co., Ltd.	52.10
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Loutang Stationery Factory	52.10
Shanghai Lian Li Paper Products Co., Ltd.	Shanghai Beijia Paper Products Co., Ltd.	52.10
Ningbo Guangbo Imports and Exports Co. Ltd.	Ningbo Guangbo Plastic Products Manufacture Co., Ltd.	135.02
Yalong Paper Products (Kunshan) Co., Ltd	Yalong Paper Products (Kunshan) Co., Ltd	135.02
Suzhou Industrial Park Asia Pacific Paper Converting Co., Ltd.	Suzhou Industrial Park Asia Pacific Paper Converting Co., Ltd.	135.02
Sunshine International Group (HK) Ltd.	Dongguan Shipai Tonzex Electronics Plastic Stationery Factory;	135.02
Sunshine International Group (HK) Ltd.	Dongguan Kwong Wo Stationery Co., Ltd.;	135.02
Sunshine International Group (HK) Ltd.	Hua Lian Electronics Plastic Stationery Co., Ltd.	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Linqing YinXing Paper Co., Ltd.	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Jiaxing Seagull Paper Products Co., Ltd.	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Shenda Paper Product Factory	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Lianyi Paper Product Factory	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Changhang Paper Product Factory	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Tianlong Paper Product Factory	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Rugao Paper Printer Co., Ltd.	135.02
Suzhou Industrial Park You–You Trading Co., Ltd.	Yinlong Paper Product Factory	135.02
Planet International Company Ltd.	Shanghai Gloves & Headwear I/E Co., Ltd.	135.02
Planet International Company Ltd.	Shanghai East Best Arts & Crafts Co., Ltd.	135.02
Planet International Company Ltd.	Mengcheng County No. 3 Printing Factory	135.02
Planet International Company Ltd.	Shanghai Huhui Paper Product Factory	135.02
Planet (Hong Kong) International Company Ltd.	Shanghai Gloves & Headwear I/E Co., Ltd.	135.02
Planet (Hong Kong) International Company Ltd.	Shanghai East Best Arts & Crafts Co., Ltd.	135.02
Planet (Hong Kong) International Company Ltd.	Zhejiang Arts & Crafts Imp. & Exp. Shanghai Pudong Co., Ltd.	135.02
Planet (Hong Kong) International Company Ltd.	Shanghai Xin Zhi Liang Cultural Product Co., Ltd.	135.02
Planet (Hong Kong) International Company Ltd.	Mengcheng County No. 3 Printing Factory	135.02
Planet (Hong Kong) International Company Ltd.	Shanghai Huhui Paper Product Factory	135.02
Planet (Hong Kong) International Company Ltd.	Shanghai Hongxiang Material Sales Co.	135.02
Haijing Stationery (Shanghai) Co., Ltd.	Haijing Stationery (Shanghai) Co., Ltd.	135.02
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Yalong Paper Products (Kunshan) Co., Ltd.	135.02
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Shanghai Comwell Stationery Co., Ltd.	135.02
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Yuezhou Paper Co., Ltd.	135.02
Orient International Holding Shanghai Foreign Trade Co., Ltd.	Changshu Guangming Stationery Co., Ltd.	135.02
Shanghai Foreign Trade Enterprise Co., Ltd.	Shanghai Xin Zhi Liang Culture Products Co., Ltd.;	135.02
Shanghai Foreign Trade Enterprise Co., Ltd.	Shangyu Zhongsheng Paper Products Co., Ltd.;	135.02
Shanghai Foreign Trade Enterprise Co., Ltd.	Shanghai Miaoxi Paper Products Factory;	135.02
Shanghai Foreign Trade Enterprise Co., Ltd.	Shanghai Xueya Stationery Co., Ltd.	135.02
Anhui Light Industries International Co., Ltd.	Shanghai Pudong Wenbao Paper Products Factory;	135.02
Anhui Light Industries International Co., Ltd.	Foshan City Wenhai Paper Factory	135.02
Fujian Hengda Group Co., Ltd.,	Fujian Hengda Group Co., Ltd.,	135.02
Changshu Changjiang Printing Co., Ltd.	Changshu Changjiang Paper Industry Co., Ltd.	135.02
Jiaxing Te Gao Te Paper Products Co., Ltd	Jiaxing Seagull Paper Products Co., Ltd.	135.02
Jiaxing Te Gao Te Paper Products Co., Ltd	Jiaxing Boshi Paper Products Co., Ltd.	135.02
Chinapack Ningbo Paper Products Co., Ltd.	Jiaxing Te Gao Te Paper Products Co., Ltd.	135.02
Linqing Silver Star Paper Products Co., Ltd.	Linqing Silver Star Paper Products Co., Ltd.	135.02
Wah Kin Stationery and Paper Product Limited	Shenzhen Baoan Waijing Development Company	135.02
Shanghai Pudong Wenbao Paper Products Factory	Shanghai Pudong Wenbao Paper ProductsFactory	135.02
Shanghai Pudong Wenbao Paper Products Factory	Linqing Glistar Paper Products Co., Ltd.	135.02
Shanghai Pudong Wenbao Paper Products Factory	Changshu Changjiang Printing Co., Ltd.	135.02
Shanghai Pudong Wenbao Paper Products Factory	Linqing Silver Star Paper Products Co., Ltd.	135.02
Paperline Limited	Shanghai Pudong Wenbao Paper Products Factory	135.02
Paperline Limited	Linqing Glistar Paper Products Co., Ltd.	135.02

Exporter	Producer	Weighted–Average Deposit Rate
Paperline Limited	Changshu Changjiang Printing Co., Ltd.	135.02
Paperline Limited	Linqing Silver Star Paper Products Co., Ltd.	135.02
Paperline Limited	Jiaxing Te Gao Te Paper Products Co., Ltd.	135.02
Paperline Limited	Yantai License Printing & Making Co., Ltd.	135.02
Paperline Limited	Anhui Jinhua Import & Export Co., Ltd.	135.02
Essential Industries Limited	Dongguan Yizhi Gao Paper Products Ltd.	135.02
MGA Entertainment (H.K.) Limited	Kon Dai (Far East) Packaging Co., Ltd.	135.02
PRC Entity*		258.21

*Including Atico and the companies that did not respond to the Q&V questionnaire.

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

In accordance with section 733(d) of the Act, we will instruct U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted–average amount by which the normal value exceeds U.S. price, as indicated above. The suspension of liquidation will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary affirmative determination of sales at LTFV. Because we have postponed the deadline for our final determination to 135 days from the date of publication of this preliminary determination, section 735(b)(2) of the Act requires the ITC to make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of CLPP, or sales (or the likelihood of sales) for importation, of the subject merchandise within 45 days of our final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than seven days after the date of the final verification report is issued in this proceeding and rebuttal briefs limited to issues raised in case briefs no later than five days after the deadline date for case briefs. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes.

In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we intend to hold the hearing three days after the deadline of submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days after the date of publication of this notice. See 19 CFR 351.310(c). Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed.

We will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: April 7, 2006.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 06–3638 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part: Certain Lined Paper Products From India

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

SUMMARY: The U.S. Department of Commerce (''the Department'') preliminarily determines that certain lined paper products from India (''CLPP'') are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (''the Act''). Interested parties are invited to comment on this preliminary determination. Pursuant to requests from interested parties, we are postponing for 30 days the final determination and extending the provisional measure from a four-month period to not more than six months. Accordingly, we will make our final determination not later than 105 days after publication of the preliminary determination.

EFFECTIVE DATE: April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, Joy Zhang, or James Terpstra, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4161, (202) 482–1168, or (202) 482–3965, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2005, the Department of Commerce (''the Department'') initiated an antidumping duty investigation of certain lined paper products from India. *See Initiation of*

Antidumping Duty Investigations: Certain Lined Paper Products From India, Indonesia, and the People's Republic of China, 70 FR 58374 (October 6, 2005) (''*Initiation Notice*''). The petitioner in this investigation is the Association of American School Paper Suppliers and its individual members (MeadWestvaco Corporation; Norcom, Inc.; and Top Flight, Inc.) (''petitioner'').

The Department set aside a period of time for parties to raise issues regarding product coverage and encouraged all parties to submit comments within 20 calendar days of publication of the Initiation Notice. *See Initiation Notice*, 70 FR at 58374; *see also Antidumping Duties*; *Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19,1997) (''*Final Rule*'').

On October 31, 2005, the United States International Trade Commission (''ITC'') preliminarily determined that there is a reasonable indication that imports of CLPP from the People's Republic of China (''China''), India and Indonesia are materially injuring the U.S. industry and the ITC notified the Department of its findings. *See Certain Lined Paper School Supplies from China, India, and Indonesia, Investigation Nos. 701–TA–442–443 and 731–TA–1095–1097 (Preliminary)*, 70 FR 62329 (October 31, 2005) (''*ITC Preliminary* Report'').

On November 8, 2005, the Department issued its antidumping questionnaire to the following three respondents: Aero Exports (''Aero''), Kejriwal Paper Limited (''Kejriwal''), and Navneet Publications (India) Ltd. (''Navneet''), specifying that the responses to Section A and Sections B–D would be due on November 29 and December 15, 2005, respectively.[1] We received responses to Sections A–D of the antidumping questionnaire and issued supplementary questionnaires as referenced below. On November 28, 2005, petitioner alleged that critical circumstances existed with regard to imports from Indonesia, China, and India.

On December 16, 2005 the Department received section A questionnaire responses from Aero, Kejriwal, and Navneet. The Department subsequently issued a supplemental questionnaire to Aero, Kejriwal and Navneet. *See* Section A–D Supplemental Questionnaire, dated January 27, 2006. On February 21, 2006, the Department received the first supplemental questionnaire responses for Sections A–D from Aero, Kejriwal and Navneet. On February 23, 2006, the Department issued a second supplemental questionnaire for Section D to Aero. On February 24, 2006, the Department issued a second supplemental questionnaire for Section D to Kejriwal and Navneet. On March 29, 2006, the Department received the third Supplemental D questionnaire response from Aero, Kejriwal and Navneet.

In its section A response, Kejriwal stated that it had neither home market nor third country sales during the period of investigation (''POI''). *See* Kejriwal's Section A Questionnaire Response, dated December 16, 2005, at 4. Kejriwal reiterated that it did not sell subject merchandise in the ordinary course of trade in its home market during the POI. *See* Kejriwal Exports Section A - D Supplemental Questionnaire Response, dated February 21, 2006, at Exhibit SB–1. As a result, the Department must use constructed value (''CV'') in its calculation of normal value (''NV''). For a discussion of the Department's calculation of CV, see the ''Constructed Value'' section below.

Period of Investigation

The POI is July 1, 2004, to June 30, 2005. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition.

Scope of Investigation

The scope of this investigation includes certain lined paper products, typically school supplies,[2] composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets,[3] including but not limited to such products as single- and multi–subject notebooks, composition books, wireless notebooks, looseleaf or glued filler paper, graph paper, and laboratory notebooks, and with the smaller dimension of the paper measuring 6 inches to 15 inches (inclusive) and the larger dimension of the paper measuring 8–3/4 inches to 15 inches (inclusive). Page dimensions are measured size (not advertised, stated, or ''tear–out'' size), and are measured as they appear in the product (*i.e.*, stitched and folded pages in a notebook are measured by the size of the page as it appears in the notebook page, not the size of the unfolded paper). However, for measurement purposes, pages with tapered or rounded edges shall be measured at their longest and widest points. Subject lined paper products may be loose, packaged or bound using any binding method (other than case bound through the inclusion of binders board, a spine strip, and cover wrap). Subject merchandise may or may not contain any combination of a front cover, a rear cover, and/or backing of any composition, regardless of the inclusion of images or graphics on the cover, backing, or paper. Subject merchandise is within the scope of this investigation whether or not the lined paper and/or cover are hole punched, drilled, perforated, and/or reinforced. Subject merchandise may contain accessory or informational items including but not limited to pockets, tabs, dividers, closure devices, index cards, stencils, protractors, writing implements, reference materials such as mathematical tables, or printed items such as sticker sheets or miniature calendars, if such items are physically incorporated , included with, or attached to the product, cover and/or backing thereto.

Specifically excluded from the scope of this investigation are:

- unlined copy machine paper;
- writing pads with a backing (including but not limited to products commonly known as ''tablets,'' ''note pads,'' ''legal pads,'' and ''quadrille pads''), provided that they do not have a front cover (whether permanent or removable). This exclusion does not apply to such writing pads if they consist of hole–punched or drilled filler paper;
- three–ring or multiple–ring binders, or notebook organizers incorporating such a ring binder provided that they do not include subject paper;
- index cards;
- printed books and other books that are case bound through the inclusion of binders board, a spine strip, and cover wrap;
- newspapers;
- pictures and photographs;
- desk and wall calendars and organizers (including but not limited to such products generally known as ''office planners,'' ''time books,'' and ''appointment books'');
- telephone logs;
- address books;

[1] Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales or, if the home market is not viable, of sales in the most appropriate third-country market. Section C requests a complete listing of U.S. sales. Section D requests information on the cost of production of the foreign like product and the constructed value of the merchandise under investigation. Section E requests information on further manufacturing.

[2] For purposes of this scope definition, the actual use of or labeling these products as school supplies or non-school supplies is not a defining characteristic.

[3] There shall be no minimum page requirement for looseleaf filler paper.

- columnar pads & tablets, with or without covers, primarily suited for the recording of written numerical business data;
- lined business or office forms, including but not limited to: preprinted business forms, lined invoice pads and paper, mailing and address labels, manifests, and shipping log books;
- lined continuous computer paper;
- boxed or packaged writing stationary (including but not limited to products commonly known as ''fine business paper,'' ''parchment paper, '' and ''letterhead''), whether or not containing a lined header or decorative lines;
- Stenographic pads (''steno pads''), Gregg ruled,[4] measuring 6 inches by 9 inches;

Also excluded from the scope of this investigation are the following trademarked products:

- Fly™ lined paper products: A notebook, notebook organizer, loose or glued note paper, with papers that are printed with infrared reflective inks and readable only by a Fly™ pen–top computer. The product must bear the valid trademark Fly™.[5]
- Zwipes™: A notebook or notebook organizer made with a blended polyolefin writing surface as the cover and pocket surfaces of the notebook, suitable for writing using a specially developed permanent marker and erase system (known as a Zwipes™ pen). This system allows the marker portion to mark the writing surface with a permanent ink. The eraser portion of the marker dispenses a solvent capable of solubilizing the permanent ink allowing the ink to be removed. The product must bear the valid trademark Zwipes™.[6]
- FiveStar®™: A notebook or notebook organizer bound by a continuous spiral, or helical, wire and with plastic front and rear covers made of a blended polyolefin plastic material joined by 300 denier polyester, coated on the backside with PVC (poly vinyl chloride) coating, and extending the entire length of the spiral or helical wire. The polyolefin plastic covers are of specific thickness; front cover is .019 inches (within normal manufacturing tolerances) and rear cover is .028 inches (within normal manufacturing tolerances). Integral with the stitching that attaches the polyester spine covering, is captured by both ends of a 1'' wide elastic fabric band. This band is located 2–3/8'' from the top of the front plastic cover and provides pen or pencil storage. Both ends of the spiral wire are cut and then bent backwards to overlap with the previous coil but specifically outside the coil diameter but inside the polyester covering. During construction, the polyester covering is sewn to the front and rear covers face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. The flexible polyester material forms a covering over the spiral wire to protect it and provide a comfortable grip on the product. The product must bear the valid trademarks FiveStar®Advance™.[7]
- FiveStar Flex™: A notebook, a notebook organizer, or binder with plastic polyolefin front and rear covers joined by 300 denier polyester spine cover extending the entire length of the spine and bound by a 3–ring plastic fixture. The polyolefin plastic covers are of a specific thickness; front cover is .019 inches (within normal manufacturing tolerances) and rear cover is .028 inches (within normal manufacturing tolerances). During construction, the polyester covering is sewn to the front cover face to face (outside to outside) so that when the book is closed, the stitching is concealed from the outside. During construction, the polyester cover is sewn to the back cover with the outside of the polyester spine cover to the inside back cover. Both free ends (the ends not sewn to the cover and back) are stitched with a turned edge construction. Each ring within the fixture is comprised of a flexible strap portion that snaps into a stationary post which forms a closed binding ring. The ring fixture is riveted with six metal rivets and sewn to the back plastic cover and is specifically positioned on the outside back cover. The product must bear the valid trademark FiveStar Flex™.[8]

Merchandise subject to this investigation is typically imported under headings 4820.10.2050, 4810.22.5044, and 4811.90.9090 of the Harmonized Tariff Schedule of the United States (HTSUS).[9] The tariff classifications are provided for convenience and customs purposes; however, the written description of the scope of the investigation is dispositive.

Scope Comments

In the *Initiation Notice*, we set aside a period of time for parties to raise issues regarding product coverage and encouraged all parties to submit comments within 20 calendar days of publication of the *Initiation Notice*. *See Final Rule*.

On October 28, 2005, Continental Accessory Corporation (''Continental'') submitted timely scope comments in which it argued that the Department should issue a ruling that the scope of this investigation does not cover ''fashion stationery,'' a niche lined paper product. Continental argued that fashion stationery is substantially different from subject commodity–grade lined paper products because of differences in physical appearance, production methods, costs, consumer expectations, and other factors. Continental also argued that none of the domestic petitioners has the capability of manufacturing fashion stationery in the United States.

On November 16, 2005, petitioner submitted rebuttal comments. Petitioner argued that what Continental refers to as ''stationery'' and ''fashion goods'' is actually nothing more than notebooks. Contrary to Continental's allegation, petitioner claimed that these ''fashion'' notebooks are ''substantially produced'' within the United States. Petitioner further asserted that the language of the scope includes certain lined paper products regardless of the material used for a front or back cover, regardless of the inclusion of material on the front and cover, and regardless of the binding materials. Petitioner also argued that Continental's claim that fashion notebooks ''are not intended to be included with covered merchandise'' is baseless. *See* letter from petitioner entitled ''Certain Lined Paper Products from India, Indonesia, and the People's Republic of China: Response to Scope Comments,'' dated November 16, 2005, at 2. Petitioner stated that Continental

[4] ''Gregg ruling'' consists of a single- or double-margin vertical ruling line down the center of the page. For a six-inch by nine-inch stenographic pad, the ruling would be located approximately three inches from the left of the book.

[5] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[6] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[7] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[8] Products found to be bearing an invalidly licensed or used trademark are not excluded from the scope.

[9] During the investigation additional HTS codes may be identified.

had provided no evidence to demonstrate that the purchaser views fashion notebooks as a higher value product. Lastly, petitioner noted that the ITC had already rejected Continental's claims that its fashion books are not within the scope of the domestic like product or should be treated as a separate like product. *See ITC Preliminary Report*.

As further discussed in the March 20, 2006, memorandum entitled ''Scope Exclusion Request: Continental Accessory Corporation,'' on file in Import Administration's Central Records Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230 (''CRU''), we denied Continental's request that its ''fashion'' notebooks be excluded from the scope of the investigation.

Use of Facts Otherwise Available

For the reasons discussed below, we determine that the use of adverse facts available (''AFA'') is appropriate for the preliminary determination with respect to Aero and Navneet.

A. Use of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party withholds information requested by the administering authority, fails to provide such information by the deadlines for submission of the information and in the form or manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act, significantly impedes a proceeding under this title, or provides such information but the information cannot be verified as provided in section 782(i), the administering authority shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Section 782(d) of the Act provides that, if the administering authority determines that a response to a request for information does not comply with the request, the administering authority shall promptly inform the responding party and provide an opportunity to remedy the deficient submission. Section 782(e) of the Act further states that the Department shall not decline to consider submitted information if all of the following requirements are met: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

As discussed in detail below, the Cost of Production (''COP'') questionnaire responses submitted by Aero and Navneet are not useable for purposes of calculating accurate less–than-fair–value (''LTFV'') margins. The original antidumping questionnaire was issued on November 8, 2005. Since the issuance of the initial questionnaire to Aero and Navneet, we have granted both parties numerous extensions up to and including the submission of the third supplemental questionnaire response which was received on March 29, 2006. Over a five-month period, we have carefully and repeatedly identified the numerous significant deficiencies and errors where we needed more complete information in order to understand the reported information. Throughout this process, there has been a consistent pattern of non–responsiveness and confusing, incomplete, and inconsistent information provided by Aero and Navneet. As a result of numerous, serious deficiencies, we are unable to adequately determine whether the cost information contained in these responses reasonably and accurately reflects the costs incurred by these companies to produce the subject merchandise. Without this information, we cannot accurately calculate LTFV margins for these companies.

Aero

In accordance with section 776 of the Act, the Department preliminarily determines that the use of total AFA is warranted with respect to Aero. Throughout the course of this investigation, Aero has repeatedly failed to submit information and data on the record of this proceeding in a timely and proper manner. Generous extensions of time were given to Aero to respond to our section D questionnaire. The Department provided several opportunities for Aero to submit critical information and the Department extended deadlines to allow Aero the time to respond completely to the Department's questionnaire and supplemental questionnaires. Three sets of supplemental questionnaires were issued, repeatedly asking the same detailed questions that remained unanswered from the previous supplemental questionnaire. After the issuance of the three supplemental questionnaires, the Department is left with critical information absent from the record. In addition, questions still remain unanswered as to the accuracy and reliability of the reported cost information. Because Aero has withheld requested information, failed to provide such information by the deadlines in the form and manner required, impeded this investigation, and reported information that could not be verified, the Department may resort to facts otherwise available, in reaching its preliminary determination, pursuant to sections 776(a)(2)(A),(B),(C) and (D) of the Act. Due to the fact that most of the reasons regarding the use of facts available for Aero are considered business proprietary information, please see the Memorandum from Sheikh M. Hannan to Neal Halper entitled ''Use of Adverse Facts Available for the Preliminary Determination - Aero Exports,'' dated April 7, 2006, on file in the CRU.

Navneet

In accordance with section 776 of the Act, the Department preliminarily determines that the use of total AFA is warranted with respect to Navneet. The Department identified the major deficiencies with Navneet's submitted cost responses early in this proceeding and despite the Department's repeated requests, these deficiencies were not rectified by Navneet. As discussed in the memorandum mentioned below, Navneet failed to 1) provide various reconciliation schedules (*i.e.*, the overall cost reconciliation, the overall quantity reconciliation, and the overall purchased paper reconciliation) and explanations of reconciling amounts; 2) provide a consistent explanation for its product cost calculation methodology that demonstrates the link between its reported costs and its normal books and records; and 3) provide complete supporting documentation for the matching product control number (''CONNUM'') cost build–up schedules. Without this information, the Department is unable to determine whether Navneet accounted for all its production costs relating to the merchandise under investigation. The Department is unable to rely on Navneet's submitted costs. Moreover, based on the statements made by Navneet and the exhibits provided in its questionnaire responses, it is apparent that Navneet departed from the product costs recorded in its normal books and records when calculating its reported product costs to the Department. Thus, the costs the Department should be using, the per–unit costs from its normal books and records, are not on the record of this proceeding. Section 773(f)(1)(A) of the Act requires that companies normally use their normal books and records in reporting costs for an antidumping investigation. Finally, we note that Navneet failed to provide the POI job order worksheet reconciliation,

which the Department requested to determine whether Navneet relied on its normal books and records and that its reported costs reconciled to those records. Because necessary information from Navneet is not available on the record, the use of facts available for the preliminary determination is warranted pursuant to section 776(a)(1) of the Act. Furthermore, because Navneet has withheld requested information, failed to provide such information by the deadlines in the form and manner required, impeded this investigation, and reported information that could not be verified, the use of facts available for the preliminary determination is warranted pursuant to sections 776(a)(2)(A),(B),(C) and (D) of the Act. For further discussion, please refer to the Memorandum from Oh Ji to Neal Halper, entitled ''Use of Adverse Facts Available for the Preliminary Determination - Navneet Publications (India) Ltd.,'' dated April 7, 2006, on file in the CRU.

B. Application of Adverse Inferences for Facts Available

In applying adverse inferences to facts otherwise available, section 776(b) of the Act provides that, if the administering authority finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority, in reaching the applicable determination under this title, the administering authority may use an inference adverse to the interests of that party in selecting from among the facts otherwise available. *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Circular Welded Carbon–Quality Line Pipe From Mexico*, 69 FR 59892 (October 6, 2004); *see also Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part: Prestressed Concrete Steel Wire Strand From Mexico*, 68 FR 42378 (July 17, 2003).

Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See Statement of Administrative Action accompanying the Uruguay Round Agreements Act*, H. Doc. No. 103–316, at 870 (1994) (''*SAA*''). Furthermore, ''{a}ffirmative evidence of bad faith, or willfulness, on the part of a respondent is not required before the Department may make an adverse inference.'' *See Final Rule*.

Despite repeated requests for information concerning Aero and Navneet's costs, including extensions of time granted to submit the necessary information, neither company provided useable cost data. The series of supplemental questionnaire responses submitted by Aero and Navneet continued to remain inadequate where certain critical information questioned the accuracy and reliability of the reported cost information as well as a lack of various reconciliation schedules and explanations. The respondents were on notice as to the consequences of failing to adequately respond to the supplemental questionnaires. The Department finds that Aero and Navneet have failed to cooperate to the best of their ability because they continued to be non–responsive, despite repeated requests to provide critical data regarding their costs. Consequently, the Department has preliminarily determined that, in selecting from among the facts otherwise available, an adverse inference is warranted. *See* Section 776(b) of the Act; *see also Notice of Final Determination of Sales at Less than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan*, 65 FR 42985 (July 12, 2000), where the Department applied total AFA because the respondents failed to respond to the antidumping questionnaire.

C. Selection and Corroboration of Information Used as Facts Available

Where the Department applies AFA because a respondent failed to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b) of the Act authorizes the Department to rely on information derived from the petition, a final determination, a previous administrative review, or other information placed on the record. *See* also 19 CFR 351.308(c) and SAA at 829–831. In this case, because we are unable to calculate a margin based on Aero's and Navneet's own data and because an adverse inference is warranted, we have assigned to Aero and Navneet the highest individual margin calculated in this proceeding based on the data reported by a respondent in this investigation, rather than the margins alleged in the petition. *See* Memorandum to the File from the Team entitled, ''Preliminary Determination in the Antidumping Duty Investigation of Certain Lined Paper Products from India: Selection of Total Adverse Facts–Available Rate,'' (*Corroboration Memo*) dated April 7, 2006.

When using facts otherwise available, section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition), it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that ''corroborate'' means the Department will satisfy itself that the secondary information to be used has probative value. *See* SAA at 870. The Department's regulations state that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See* 19 CFR 351.308(d) and SAA at 870. For the purposes of this investigation, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition during our pre–initiation analysis. *See Office of AD/CVD Operations Initiation Checklist*, dated September 29, 2005 (''*Initiation Checklist*''), on file in the CRU.

In accordance with section 776(c) of the Act and to the extent practicable, for this preliminary determination, we examined record evidence in an effort to corroborate the margins in the *Initiation Notice, i.e.*, to determine whether those margins have probative value. We find that the estimated margins we set forth in the *Initiation Notice* do not have probative value. *See Corroboration Memo*. Therefore, in selecting AFA with respect to Aero and Navneet, we have applied the margin rate of 110.43 percent, the highest individual rate calculated in this proceeding.

Date of Sale

Section 351.401(i) of the Department's regulations states that the Department will normally use the date of invoice, as recorded in the producer's or exporter's records kept in the ordinary course of business, as the date of sale. However, the Department may use a date other than the date of invoice if the alternative better reflects the date on which the material terms of sales (e.g., price and quantity) are established.

Kejriwal reported the date of invoice as the date of sale for the U.S. market, reflecting the Department's stated preference. Kejriwal stated that the invoice date is the only date entered in the accounting records.

The Department is preliminarily using the invoice date as the date of sale for U.S. sales. We intend to examine this issue at verification, and will incorporate our findings in our analysis for the final determination, if we determine that another date, other than

invoice date, is the appropriate date of sale.

Fair Value Comparisons

To determine whether Kejriwal's sales of CLPP from India to the United States were made at LTFV, we compared the export price (''EP'') to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI weighted–average EP to CV. See discussion below.

Export Price

Section 772(a) of the Act defines EP as the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter outside of the United States to an unaffiliated purchaser for exportation to the United States, as adjusted under subsection (c).

During the POI, Kejriwal made direct sales to unaffiliated customers in the United Sates. Therefore, we have applied the EP methodology, in accordance with section 772(a) of the Act, for sales that were produced and exported by Kejriwal from India to the first unaffiliated purchaser in the United States prior to importation. We based EP on the packed price to unaffiliated purchasers in the United States. In accordance with section 772(c)(2)(A) of the Act, we made deductions for movement expenses, where appropriate, for foreign inland freight from the plant to the distribution warehouse, warehousing, foreign inland freight from plant/warehouse to the port of exportation, foreign inland insurance, foreign brokerage and handling, U.S. brokerage and handling, international freight, and U.S. inland freight from port to warehouse. In addition, we deducted billing adjustments and discounts from EP, where appropriate.

Normal Value

A. Home Market Viability and Comparison Market Selection

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we compared Kejriwal's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

Section 773(a)(1)(C)(i) of the Act applies to the Department's determination of NV if the foreign like product is not sold (or offered for sale) for consumption in the exporting country. When sales in the home market are not viable, section 773(a)(1)(B)(ii) of the Act provides that sales to a particular third country market may be utilized if: (1) the prices in such market are representative; (2) the aggregate quantity of the foreign like product sold by the producer or exporter in the third country market is five percent or more of the aggregate quantity of the subject merchandise sold in or to the United States; and (3) the Department does not determine that a particular market situation in the third country market prevents a proper comparison with the U.S. price.

Kejriwal reported that it made no sales to the home market and no sales to a third country. *See* Kejriwal's Section A Response, dated December 16, 2005 at 4; *see also* Kejriwal's Section A–D questionnaire responses, dated February 21, 2006, at SB–1. Therefore, for Kejriwal, we used CV as the basis for calculating NV, in accordance with section 773(a)(4) of the Act, for all sales.

B. Level of Trade

Kejriwal reported sales only to unaffiliated distributors in the U.S. market, and no sales to either the home or third country markets. In the U.S. market, they reported only one level of trade. The selling functions, customer category, and the level of selling expenses for each type of sale was consistent for all distributors in the U.S. However, all of Kejriwal's sales are compared to CV and a level–of-trade adjustment is not necessary.

C. Calculation of Normal Value Based on Constructed Value

In accordance with section 773(a)(4) of the Act, we based Kejriwal's NV on CV. In accordance with section 773(e) of the Act, we calculated CV based on the sum of Kejriwal's cost of materials and fabrication for the foreign like product, plus amounts for selling, general, and administrative expenses (''SG&A''), profit, and U.S. packing costs. We calculated the cost of materials and fabrication based on the CV information provided by Kejriwal in its section D response. We disallowed Kejriwal's claimed offsets for duty–free replenishment certificates and excise duty rebated. We have recalculated Kejriwal's general and administrative (''G&A'') expense ratio based on G&A expenses for the year ending March 31, 2005, incurred by Kejriwal Paper Ltd. only and not those of the Kejriwal Group. In doing so, we have removed the imputed cost of newsprint from Kejriwal's reported cost of goods sold denominator. We also added sundry expenses to our calculation of the G&A expense ratio. We recalculated Kejriwal's interest expense ratio to include sundry expenses in the cost of goods sold denominator and have removed the imputed cost of newsprint from the cost of goods sold denominator. Because Kejriwal does not have Indian sales of the foreign like product or third country sales, the Department does not have comparison market selling expenses or profit to use in its calculations, as directed by section 773(e) of the Act. As an alternative, the Department has used as selling expenses and profit for Kejriwal, data from the March 31, 2005, financial statements of Kanoi Paper Industries Limited (''Kanoi''). Kanoi sells merchandise within the same general category of products as the foreign like product in the Indian market. *See* Memorandum from Laurens Van Houten to Neal Halper, Director, Office of Accounting, Cost of Production and Constructed Value Calculation Adjustments for the Preliminary Determination- Kejriwal, dated April 7, 2006 (''COP/CV Memo'').

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act based on exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

All Others Rate

Section 735(c)(5)(A) of the Act provides that, where the estimated weighted–average dumping margins established for all exporters and producers individually investigated are zero or *de minimis* or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated ''all others'' rate for exporters and producers not individually investigated. The ''all others'' rate is derived exclusive of all *de minimis* margins and margins based entirely on facts available. Kejriwal is the only respondent in this investigation for which the Department has calculated a company–specific rate that is not based entirely on facts available. Therefore, for purposes of determining the ''all others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for Kejriwal, as referenced in the ''Suspension of Liquidation'' section below.

Critical Circumstances

A. Aero, Navneet, and Kejriwal

On November 28, 2005, petitioner requested that the Department make an expedited finding that critical circumstances exist with respect to CLPP from India. Petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to the subject merchandise. Petitioner based its allegation on evidence of retailers engaging in negotiations that would cause a surge of imports of subject merchandise into the United States from December 2005 through February 2006 (in advance of the preliminary determination date) in order to avoid duties.

Since this allegation was filed earlier than the deadline for the Department's preliminary determination, we must issue our preliminary critical circumstances determination not later than the preliminary determination. *See* 19 CFR 351.206(c)(2); *see also Policy Bulletin 98/4 regarding Timing of Issuance of Critical Circumstances Determinations*, 63 FR 55364 (October 15, 1998).

Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A) (i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise; or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

In determining whether the relevant statutory criteria have been satisfied, the Department considered: (i) the evidence presented in the petitioners' November 28, 2005, submission, (ii) exporter–specific shipment data submitted by Kejriwal on February 21, 2006, and (iii) the *ITC Preliminary Report*.

To determine whether there is a history of injurious dumping of the merchandise under investigation, in accordance with section 733(e)(1)(A)(i) of the Act, the Department normally considers evidence of an existing antidumping duty order on the subject merchandise in the United States or elsewhere to be sufficient. *See Preliminary Determinations of Critical Circumstances: Steel Concrete Reinforcing Bars From Ukraine and Moldova*, 65 FR 70696 (November 27, 2000). Petitioner makes no statement concerning a history of dumping of CLPP from India. Moreover, we are not aware of any antidumping order on CLPP from India in any other country. Therefore, the Department finds no history of injurious dumping of CLPP from India pursuant to section 733(e)(1)(A)(i) of the Act.

To determine whether the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value, in accordance with section 733(e)(1)(A)(ii) of the Act, the Department normally considers margins of 25 percent or more for export price sales, or 15 percent or more for constructed export price transactions, sufficient to impute knowledge of dumping. *See Preliminary Determination of Sales at Less Than Fair Value: Certain Cut–to-Length Carbon Steel Plate from the People's Republic of China*, 62 FR 31972, 31978 (June 11, 1997). For the reasons explained above, we have assigned a margin of 110.43 percent to Aero and Navneet. Based on this margin, we have imputed importer knowledge of dumping for Aero and Navneet. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances: Wax and Wax/Resin Thermal Transfer Ribbons from Japan*, 68 FR 71077 (December 22, 2003) (''*TTR from Japan*''). However, because the preliminary dumping margin for Kejriwal's EP sales is less than 25 percent, we preliminarily determine that the knowledge criterion has not been met.

In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that there was likely to be material injury by reason of dumped imports, consistent with section 733(e)(1)(A)(ii) of the Act, the Department normally will look to the preliminary injury determination of the ITC. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils From Japan*, 64 FR 30574, 30578 (June 8, 1999) (''*Stainless Steel from Japan*''). The ITC preliminarily found material injury to the domestic industry due to imports of CLPP from India, which are alleged to be sold in the United States at less than fair value and, on this basis, the Department may impute knowledge of likelihood of injury to these respondents. *See ITC Preliminary Report*. Thus, we determine that the knowledge criterion for ascertaining whether critical circumstances exist has been satisfied.

Since Aero and Navneet have met the first prong of the critical circumstances test, according to section 733(e)(1)(A)(i) of the Act, we must examine whether imports from Aero and Navneet were massive over a relatively short period. Section 733(e)(1)(B) of the Act provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that there have been massive imports of the subject merchandise over a relatively short period.

Section 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been ''massive,'' the Department normally will examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that an increase in imports of 15 percent during the ''relatively short period'' of time may be considered ''massive.''

Section 351.206(i) of the Department's regulations defines ''relatively short period'' as normally being the period beginning on the date the proceeding begins (i.e., the date the petition is filed) and ending at least three months later. The Department's regulations also provide, however, that if the Department finds that importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

On February 21, 2006, Aero, Kejriwal, and Navneet filed company–specific monthly import data for shipments of subject merchandise to the United States for January 2003 through January 2006. However, we are disregarding the information reported by Aero and Navneet because, as noted above, we are applying AFA to Aero and Navneet and their company–specific data will not be subject to verification. Therefore, the Department must base its determination on facts available. Moreover, because of Aero and Navneet's failure to cooperate to the best of their ability, we have made an adverse inference that there were massive imports from Aero and Navneet over a relatively short period. *See TTR from Japan*, 68 FR at 71077.

In this case, the Department is unable to use information supplied by U.S. Customs and Border Protection (''CBP'') to corroborate whether massive imports occurred because the HTS numbers listed in the scope of the investigation

are basket categories that include non–subject merchandise and, thus, do not permit the Department to make an accurate analysis. *See Stainless Steel from Japan*, 64 FR at 30585. In addition, the SAA states that, ''{t}he fact that corroboration may not be practicable in a given circumstance will not prevent the agencies from applying an adverse inference under subsection (b).'' *See SAA* at 870.

Accordingly, we preliminarily find critical circumstances exist with respect to Aero and Navneet. In regard to Kejriwal, we examined Kejriwal's reported shipments, which show that this company only exported subject merchandise to the United States for the period of August 2004 - July 2005. Kejriwal reported that it made no shipments to the United States subsequent to the filing date of the petition. The data reported by Kejriwal does not show a surge and there is no data to compare the seasonal trends. *See* Kejriwal's Section A–C questionnaire response, dated April 3, 2006, exhibit SA–1, (revised). Therefore, we preliminarily find that critical circumstances do not exist for Kejriwal.

B. All Others

It is the Department's normal practice to conduct its critical circumstances analysis of companies in the ''all others'' group based on the experience of investigated companies. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Steel Concrete Reinforcing Bars from Turkey*, 62 FR 9737, 9741 (March 4, 1997), where the Department found that critical circumstances existed for the majority of the companies investigated and concluded that critical circumstances also existed for companies covered by the ''all others'' rate. However, the Department does not automatically extend an affirmative critical circumstances determination to companies covered by the ''all others'' rate. *See Stainless Steel from Japan*, 64 FR at 30585. Instead, the Department considers the traditional critical circumstances criteria with respect to the companies covered by the ''all others'' rate.

First, in determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that the exporter was selling CLPP at less than fair value, we look to the ''all others'' rate. *See TTR from Japan*, 68 FR at 71077. The dumping margin for the ''all others'' category, 22.53 percent, is less than the 25 percent threshold necessary to impute knowledge of dumping consistent with 733(e)(1)(A)(ii) of the Act. Second, based on the ITC's preliminary material injury determination, we also find that importers knew or should have known that there would be material injury from the dumped merchandise consistent with 19 CFR 351.206. *See ITC Preliminary Report*.

Finally, with respect to massive imports, we are unable to base our determination on our findings for Aero and Navneet because our determination for Aero and Navneet was based on AFA. Consistent with *TTR from Japan*, we have not inferred adverse facts, that massive imports exist for ''all others'' because, unlike Aero and Navneet, the ''all others'' companies have not failed to cooperate to the best of their ability in this investigation. Therefore, an adverse inference with respect to shipment levels by the ''all others'' companies is not appropriate.

Generally, the Department's approach is to examine CBP data on overall imports from the country in question to see if the Department could ascertain whether an increase in shipments occurred within a relatively short period following the point at which importers had reason to believe that a proceeding was likely. *See Notice of Final Determination of Sales at Less Than Fair Value: Hot–Rolled Flat–Rolled Carbon–Quality Steel Products from Japan*, 64 FR 24329 (May 6, 1999); *see also Notice of Final Determinations of Sales at Less Than Fair Value: Certain Cold–Rolled Flat–Rolled Carbon–Quality Steel Products From Argentina, Japan and Thailand*, 65 FR 5520, 5527 (February 4, 2000). However, we are unable to rely on information supplied by CBP because in this investigation the HTS numbers listed in the scope of the investigation are basket categories that include non–subject merchandise. Lacking information on whether there was a massive import surge for the ''all others'' category, we are unable to determine whether there have been massive imports of CLPP from the producers included in the ''all others'' category. *See TTR from Japan*, 68 FR at 71077.

Consequently, the criteria necessary for determining affirmative critical circumstances have not been met. Therefore, we have preliminarily determined that critical circumstances do not exist for imports of CLPP from India for companies in the ''all others'' category.

Verification

As provided in section 782(i) of the Act, we intend to verify all information relied upon in making our final determination for Kejriwal.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing CBP to suspend liquidation of all entries of CLPP from India that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Additionally, for Aero and Navneet, we are instructing CBP to suspend the liquidation of entries made on or after 90 days prior to the publication of this notice in accordance with section 733(e)(2) of the Act. We are also instructing CBP to require a cash deposit or the posting of a bond equal to the weighted–average dumping margin, as indicated in the chart below. These suspension–of-liquidation instructions will remain in effect until further notice.

The weighted–average dumping margins are as follows:

Manufacturer/Exporter	Weighted Average Margin (percent)
Aero Exports	110.43
Kejriwal Paper Limited	22.53
Navneet Publications (India) Ltd.	110.43
All Others	22.53

Disclosure

We will disclose the calculations used in our analysis to parties in this proceeding in accordance with 19 CFR 351.224(b).

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the Department's preliminary affirmative determination. If the Department's final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether imports of CLPP from India are materially injuring, or threaten material injury to, the U.S. industry. Because we have postponed the deadline for our final determination to 105 days from the date of the publication of this preliminary determination, the ITC will make its final determination within 45 days of our final determination.

Public Comment

Interested parties are invited to comment on the preliminary determination. Interested parties may submit case briefs to the Department no later than seven days after the date of the issuance of the final verification report in this proceeding. Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must

be filed within five days from the deadline date for the submission of case briefs. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Further, we request that parties submitting briefs and rebuttal briefs provide the Department with a copy of the public version of such briefs on diskette. In accordance with section 774 of the Act, the Department will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party. If a request for a hearing is made in this investigation, the hearing will tentatively be held two days after the rebuttal brief deadline date at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, at a time and in a room to be determined. Parties should confirm by telephone, the date, time, and location of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, oral presentations will be limited to issues raised in the briefs.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2) of the Act, on March 30, 2006, Aero, Kejriwal and Navneet requested that in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 30 days. At the same time, Aero, Kejriwal and Navneet requested that the Department extend by 30 days the application of the provisional measures prescribed under 19 CFR 351.210(e)(2). In accordance with section 733(d) of the Act and 19 CFR 351.210(b), because (1) our preliminary determination is affirmative, (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting their request and are postponing the final determination until no later than 105 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: April 7, 2006.

Joseph A. Spetrini,

Acting Assistant Secretaryfor Import Administration.

[FR Doc. E6–5690 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–841]

Structural Steel Beams from the Republic of Korea; Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Brian Sheba, Maryanne Burke or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–0145, (202) 482–5604, or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 2005, the Department of Commerce (the Department) received timely requests from respondents Dongkuk Steel Mill Co., Ltd. (DSM) and INI Steel Company (INI) along with petitioners, Nucor Corp., Nucor–Yamato Steel Co., Steel Dynamics, Inc., and Chaparral Steel Inc. (collectively, petitioners) to conduct an administrative review of the antidumping duty order on structural steel beams from the Republic of Korea. On September 28, 2005, the Department published a notice of initiation of this administrative review, covering the period of August 1, 2004 to July 31, 2005. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 56631 (September 28, 2005). The preliminary results are currently due no later than May 3, 2006.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff 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 for which a review is requested. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Tariff 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 for which a review is requested.

The Department has determined that it is not practicable to complete this administrative review within the time limit mandated by section 751(a)(3)(A) of the Tariff Act. We require additional time to develop the record and examine DSM's cost of production data and issues of affiliation. Regarding INI, further analysis is necessary with respect to certain movement expenses. Accordingly, the Department is extending the time limit for completion of the preliminary results of this administrative review to August 31, 2006, which is 365 days from the last day of the anniversary month. We intend to issue the final results no later than 120 days after publication of the preliminary results notice.

This extension is issued and published in accordance with sections 751(a)(3)(A) and 777(i) of the Tariff Act.

Dated: April 4, 2006.

Stephen J. Claeys,

Deputy Assistant Secretaryfor Import Administration.

[FR Doc. E6–5696 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–427–810, C–580–818]

Corrosion–Resistant Carbon Steel Flat Products from France and the Republic of Korea: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Reviews

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

EFFECTIVE DATE: April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson or Robert Copyak, AD/CVD Operations, Office 3, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793 or (202) 482–2209, respectively.

SUPPLEMENTARY INFORMATION:

Background Information

On September 28, 2005, the U.S. Department of Commerce (''the Department'') published a notice of initiation of the administrative reviews of the countervailing duty orders on corrosion–resistant carbon steel flat products from France and the Republic of Korea covering the period of review January 1, 2004, through December 31, 2004. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 56631 (September 28, 2005). The preliminary results are currently due no later than May 3, 2006.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days.

We determine that completion of the preliminary results of these reviews within the 245-day period is not practicable for the following reason. These reviews are extraordinarily complicated because there are 17 programs being examined in the review covering France and 16 programs being examined in the review covering the Republic of Korea. Given the number of programs, which need to be thoroughly analyzed by the Department, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of reviews by 120 days. Therefore, the preliminary results are now due no later than August 31, 2006. The final results continue to be due 120 days after publication of the preliminary results.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: April 11, 2006.

Stephen J. Claeys,

Deputy Assistant Secretaryfor Import Administration.

[FR Doc. E6–5692 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; North Pacific Groundfish Observer Program Vessel/ Plant Operator's Comment Form

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at (*dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jerald D. Berger, 206–526–4193 or *jerry.berger@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) North Pacific Groundfish Observer Program (NPGOP) is managed by the Fisheries Monitoring and Analysis Division at the Alaska Fisheries Science Center (AFSC). NPGOP observers serve aboard commercial fishing vessels in Alaskan waters and at processing plants in Alaska as required by the Magnuson-Stevens Fishery Conservation and Management Act and the Marine Mammal Protection Act.

NMFS AFSC requests information from vessel or plant operators who have had NPGOP observers on their vessels or at their plants. This information would be collected on a voluntary basis as a qualitative survey to provide NMFS with direct feedback on observer performance. This information, upon receipt, will ensure higher data quality, provide feedback on observer performance, and offer a direct line of communication from vessel/plant operators to the NPGOP management.

II. Method of Collection

Paper survey to be submitted to the NPGOP at the AFSC via U.S. mail or facsimile transmission of paper forms. The survey will also be available on the Internet.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; and business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 75 hours.

Estimated Total Annual Cost to Public: $30.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5627 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southwest Region Permit Family of Forms—Pacific

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 944–2275 or *walter.ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) Pacific Islands Region (PIR) manages the U.S. fisheries of the Exclusive Economic Zone (EEZ) in the western Pacific under five fishery management plans (FMPs), prepared by the Western Pacific Fishery Management Council pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The regulations implementing the FMPs are found at 50 CFR part 665.

The permitting requirements at 50 CFR part 665 form the basis for this collection of information. PIR requests information from participants in the fisheries and interested persons. This information is needed for permit issuance, to identify participants in the fisheries, and to help measure impacts of management controls on the participants in the fisheries of the EEZ in the western Pacific.

II. Method of Collection

Paper submissions and telephone calls are required from participants. Methods of submittal include mailing and facsimile transmission of paper forms.

III. Data

OMB Number: 0648–0490.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 187.

Estimated Time Per Response: Experimental permit applications, 2 hours; all other permit applications, 30 minutes; and permit appeals, 2 hours.

Estimated Total Annual Burden Hours: 85.

Estimated Total Annual Cost to Public: $450.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5628 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal Ocean Program Grants Proposal Application Package

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Golden, 301–713–3338 ext 151 or *laurie.golden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration's Coastal Ocean Program (COP) provides direct financial assistance through grants and cooperative agreements for research supporting the management of coastal ecosystems. In addition to standard government application requirements, applicants for financial assistance are required to submit a project summary form. Recipients are required to file annual progress reports and a project final report using COP formats. All of these requirements are needed for better evaluation of proposals and monitoring of awards.

II. Method of Collection

Paper and electronic applications are acceptable. Progress reports can be submitted in paper form or electronically.

III. Data

OMB Number: 0648–0384.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; State, Local or Tribal Government.

Estimated Number of Respondents: 300.

Estimated Time Per Response: 30 minutes for a project summary; 5 hours for an annual report; and 10 hours for a final report.

Estimated Total Annual Burden Hours: 900.

Estimated Total Annual Cost to Public: 0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6–5629 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 011206293–3182–02; I.D. 041106B]

Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery

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

ACTION: Notice of guideline harvest level.

SUMMARY: NMFS provides notice of the guideline harvest level (GHL) for the guided sport halibut fishery (charter fishery) in the International Pacific Halibut Commission (IPHC) regulatory Areas 2C and 3A. The GHL provides a benchmark harvest level for participants in the charter fishery. This notice is necessary to meet the management and regulatory requirements for the GHL and to inform the public about the 2006 GHL for the charter fishery.

DATES: The GHLs are effective beginning 1200 hrs, Alaska local time (A.l.t.), February 1, 2006, and will close at 2400 hours, A.l.t., December 31, 2006. This period is specified by the IPHC as the sport fishing season in all waters of Alaska.

FOR FURTHER INFORMATION CONTACT: Jason Gasper, 907 586 7228, or e-mail at *jason.gasper@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS implemented a final rule to establish GHLs in IPHC regulatory areas 2C and 3A for the harvest of Pacific halibut (*Hippoglosses stenolepis*) by the charter fishery on August 8, 2003 (68 FR 47256). The GHLs are intended to serve as a benchmark harvest level for participants in the charter fishery.

This announcement is consistent with § 300.65(c)(2), which requires that GHLs for IPHC regulatory Areas 2C and 3A be specified by NMFS and announced by publication in the **Federal Register** no later than 30 days after receiving information from the IPHC which establishes the constant exploitation yield (CEY) for halibut in IPHC regulatory areas 2C and 3A. Based on the regulations at § 300.65(c)(1), the CEY established by the IPHC in 2006 in Area 2C results in a GHL of 1,432,000 pounds (649.5 mt), and results in a GHL of 3,650,000 pounds (1,655.6 mt) in Area 3A.

This notice does not require any regulatory action by NMFS and is intended to serve as an notice of the GHLs in Areas 2C and 3A for 2006. If the GHL is exceeded in 2006, NMFS will notify the North Pacific Fishery Management Council (Council) in writing within 30 days pursuant to regulations at § 300.65(c)(3). The Council is not required to take action, but may recommend additional management measures after receiving notification that a GHL has been exceeded.

Classification

This notice does not require any additional regulatory action by NMFS and does not impose any additional restrictions on harvests by the charter fishery. If the GHL is exceeded in any year, the Council would be notified, but no action would be required to be taken. This process of notification is intended to provide the Council with an indication of the level of Pacific halibut harvest by the charter fishery in a given year and could prompt future action.

Authority: 16 U.S.C. 773 *et seq.*

Dated: April 11, 2006.

Alan D. Risenhoover,

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

[FR Doc. E6–5683 Filed 4–14–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive Patent License: Bixenta Ventures LLC

AGENCY: Department of the Navy, DOD.

ACTION: Special notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Bixenta Ventures LLC, a revocable, nonassignable, partially exclusive license to practice throughout the United States the Government-owned inventions described in U.S. Patent No. 6,873,961, Method And Apparatus For Identifying And Tracking Project Trends; U.S. Patent No. 6,801,655, Spatial Image Processor; U.S. Patent No. 6,785,623, Business To Business Electronic Test Monitoring Information System; U.S. Patent No. 6,768,815, Color Sensor; U.S. Patent No. 6,765,541, Capacitively Shunted Quadrifilar Helix Antenna; U.S. Patent No. 6,735,579, Static Memory Processor; U.S. Patent No. 6,718,816, Monolithic I.C. Implemented Calibration Circuit; U.S. Patent No. 6,718,316, Neural Network Noise Anomaly Recognition System And Method; U.S. Patent No. 6,714,481, System And Method For Active Sonar Signal Detection And Classification; U.S. Patent No. 6,703,917, Resettable Fuse/Circuit Interrupter With Visual Fault Indication; U.S. Patent No. 6,694,049, Multimode Invariant Processor; U.S. Patent No. 6,681,016, System For Transfer Of Secure Mission Data; U.S. Patent No. 6,618,713, Neural Directors; U.S. Patent No. 6,618,324, Track Quality Indicator With Hysteresis; U.S. Patent No. 6,597,634, System And Method For Stochastic Characterization Of Sparse, Four-Dimensional, Underwater-Sound Signals; U.S. Patent No. 6,594,382, Neural Sensors; U.S. Patent No. 6,590,833, Adaptive Cross Correlator; U.S. Patent No. 6,580,314, Demodulation System And Method For Recovering A Signal Of Interest From A Modulated Carrier Sampled At Two Times The Phase Generated Carrier Frequency; U.S. Patent No. 6,577,268, Outboard Radio Signal Test System And Method; U.S. Patent No. 6,571,598, Calibration Circuit For Use With A Differential Input Preamplifier In A Sensor System; U.S. Patent No. 6,566,895, Unbalanced Three Phase Delta Power Measurement Apparatus And Method; U.S. Patent No. 6,560,582, Dynamic Memory Processor; U.S. Patent No. 6,559,632, Method And Apparatus For Determining Linear And Angular Velocity Of A Moving Body; U.S. Patent

No. 6,546,045, Method For Communication Using Adaptive Modem; U.S. Patent No. 6,525,990, Target Simulation System And Method; U.S. Patent No. 6,507,827, Adaptive And Intelligent Modem; U.S. Patent No. 6,466,516, System And Apparatus For The Detection Of Randomness In Three Dimensional Time Series Distributions Made Up Of Sparse Data Sets; U.S. Patent No. 6,430,522, Enhanced Model Identification In Signal Processing Using Arbitrary Exponential Functions; U.S. Patent No. 6,430,107, Computerized Auditory Scene Analysis Particularly Suited For Undersea Applications; U.S. Patent No. 6,421,620, Test Data Processing System; U.S. Patent No. 6,411,566, System And Method For Processing An Underwater Acoustic Signal By Identifying Nonlinearity In The Underwater Acoustic Signal; U.S. Patent No. 6,407,720, Capacitively Loaded Quadrifilar Helix Antenna; U.S. Patent No. 6,401,050, Non-Command, Visual Interaction System For Watchstations; U.S. Patent No. 6,400,647, Remote Detection System; U.S. Patent No. 6,397,234, System And Apparatus For The Detection Of Randomness In Time Series Distributions Made Up Of Sparse Data Sets; U.S. Patent No. 6,397,202, System And Method For Monitoring Risk In A System Development Program; U.S. Patent No. 6,392,959, Contact Data Correlation With Reassessment; U.S. Patent No. 6,389,229, Optical Fstop/Resolution Apparatus And Method For Specified Depth-Of-Field; U.S. Patent No. 6,344,834, Low Angle, High Angle Quadrifilar Helix Antenna; U.S. Patent No. 6,304,885, Digital Data Retrieving, Organizing And Display System; U.S. Patent No. 6,304,833, Hypothesis Selection For Evidential Reasoning Systems; U.S. Patent No. 6,105,015, Wavelet-Based Hybrid Neurosystem For Classifying A Signal Or An Image Represented By The Signal In A Data System; U.S. Patent No. 5,814,816, System For Monitoring Surface Stress And Other Conditions In Structures; U.S Patent No. 5,790,758, Neural Network Architecture For Gaussian Components Of A Mixture Density Function; U.S. Patent No. 5,781,460, System And Method For Chaotic Signal Identification; U.S. Patent No. 5,757,974, System And Method For Data Compression; U.S. Patent No. 5,729,171, Preamplifier With Adjustable Input Resistance; U.S. Patent No. 5,728,944, Photoelastic Stress Sensor; U.S. Patent No. 5,712,959, Neural Network Architecture For Non-Gaussian Components Of A Mixture Density Function; and U.S. Patent No. 5,696,700, System And Computer-Implemented Method For Fractal-Dimension Measurement For Target-Motion Analysis Noise Discrimination.

DATES: Anyone wishing to object to the grant of this license has fifteen (15) days from the date of this notice to file written objections along with supporting evidence, if any.

ADDRESSES: Written objections are to be filed with the Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg 990, Code 105, Newport, RI 02841.

FOR FURTHER INFORMATION CONTACT: Dr. Theresa A. Baus, Technology Transfer Manager, Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg 990, Code 105, Newport, RI 02841; telephone 401–832–8728, or e-mail *bausta@npt.nuwc.navy.mil.*

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: April 11, 2006.

Eric McDonald,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–5643 Filed 4–14–06; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

FOIA Fee Schedule Update

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

DATES: *Effective Date:* May 1, 2006.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901, (202) 694–7060.

SUPPLEMENTARY INFORMATION: The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for agency records. 5 U.S.C. 552(a)(4)(i). On March 15, 1991, the Board published for comment in the **Federal Register** its proposed FOIA Fee Schedule. 56 FR 11114. No comments were received in response to that notice and the Board issued a final Fee Schedule on May 6, 1991.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months. Previous Fee Schedule updates were published in the **Federal Register** and went into effect, most recently, on May 1, 2005, 27 FR 20739.

Board Action

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

Defense Nuclear Facilities Safety Board Schedule of Fees for FOIA Services

(Implementing 10 CFR 1703.107(b)(6))

Search or Review Charge: $60.00 per hour.

Copy Charge (paper): $.05 per page, if done in-house, or generally available commercial rate (approximately $.09 per page).

Electronic Media: $5.00.

Copy Charge (audio cassette): $3.00 per cassette.

Duplication of Video: $25.00 for each individual videotape; $16.50 for each additional individual videotape.

Copy Charge for large documents (e.g., maps, diagrams): Actual commercial rates.

Dated: April 10, 2006.

Kenneth M. Pusateri,

General Manager.

[FR Doc. E6–5603 Filed 4–14–06; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PH06–39–000]

Alexander's of Brooklyn II, LLC; Notice of Petition for Exemption From the Requirements of the Public Utility Holding Company Act of 2005

April 10, 2006.

Take notice that on March 31, 2006, Alexander's of Brooklyn II, LLC filed a notification of exemption pursuant to section 18 CFR 366.3(a) and 366.4(b)(1), seeking exemption from the requirements of the Public Utility Holding Company Act of 2005.

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 online 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. Eastern Time on April 21, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5620 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06–102–000]

Trunkline LNG Company, LLC; Notice of Filing

April 10, 2006.

Take notice that on March 31, 2006, Trunkline LNG Company, LLC (Trunkline LNG), P.O. Box 4967, Houston, Texas 77210–4967, filed an application, pursuant to section 3(a) of the Natural Gas Act (NGA) and part 157 of the Commission's Rules and Regulations, requesting authorization to construct and operate Ambient Air Vaporization (AAV) facilities, and natural gas liquids (NGL) processing equipment at Trunkline LNG's liquefied natural gas (LNG) terminal near Lake Charles, Louisiana. Collectively, these facilities are known as the Infrastructure Enhancement Project (IEP). The application is on file with the Commission and open for public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The AAV facilities will allow Trunkline LNG to regasify LNG by using the surrounding air temperature. This method will reduce the amount of fuel that is used by the existing Submerged Combustion Vaporizer (SCV) facilities. Currently, Trunkline LNG uses approximately 1.6% of sendout capacity as fuel for the existing SCV facilities. The proposed vaporization facilities will not increase the terminal's certificated sendout capacity of 2.1 Bcf/day. The NGL processing equipment will have the capability to extract ethane, and other heavier hydrocarbons from half of the terminal's daily sendout before the gas is sent to the pipeline and then delivered to downstream markets. The construction and operation of the proposed facilities will occur entirely within the existing Trunkline LNG's terminal site. Trunkline LNG estimates that the total capital cost of constructing the IEP facilities will be $273.8 million including AFUDC. Trunkline LNG proposes a recourse reservation rate of $1.2616 per Dt for service under proposed Rate Schedule FAV, using design units based on the sendout capacity associated with the IEP facilities. Trunkline LNG proposed to construct and place the IEP facilities in service by August 2008.

Any questions regarding the application are to be directed to William W. Grygar, Vice President of Rates and Regulatory Affairs, 5444 Westheimer Road, Houston, Texas 77056–5306; phone number (713) 989–7000.

Any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper, see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: May 1, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5615 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP06–298–000]

Public Service Commission of New York, Pennsylvania Public Utility Commission, and Pennsylvania Office of Consumer Advocate, Complainants v. National Fuel Gas Supply Corporation, Respondent; Notice of Complaint

April 10, 2006.

Take notice that on April 7, 2006, the Public Service Commission of New York, the Pennsylvania Public Utility Commission, and the Pennsylvania Office of Consumer Advocate (collectively, Joint State Agencies) filed a complaint against National Fuel Gas Supply Corporation (NFG), pursuant to sections 5(a) and 13 of the Natural Gas Act, 15 U.S.C. 717(a) and 7171, and Rule 206 of Commission's Rules of Practice and Procedure, alleging that NFG's existing rates are unjust and unreasonable and asking the Commission to determine and set the just and reasonable rates NFG shall be authorized to charge prospectively.

The Joint State Agencies certify that copies of the complaint were served on contacts for NFG, affected regulatory agencies and other parties that Joint State Agencies know may be affected.

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 and 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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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. Eastern Time on April 27, 2006.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5614 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

April 10, 2006.

Take notice that the Commission received the following electric rate filings.

Docket Numbers: ER01–1807–022; ER01–2020–019.

Applicants: Carolina Power & Light Company; Florida Power Corporation.

Description: Report of Carolina Power & Light Co. d/b/a Progress Energy Carolinas submits a Refund of Energy Imbalance Revenues report.

Filed Date: March 30, 2006.

Accession Number: 20060330–5022.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER03–478–010; ER03–951–008: ER03–416–009; ER04–94–006; ER03–296–008; ER05–534–006; ER05–365–006; ER01–3121–007; ER02–418–006; ER05–332–006; ER06–1–004; ER02–417–006; ER05–1146–006; ER06–200–005; ER05–481–006; ER03–1326–004; ER05–1262–003.

Applicants: PPM Energy, Inc.; Moraine Wind LLC; Klondike Wind Power LLC; Mountain View Power Partners, LLC; Flying Cloud Power Partners, LLC; Eastern Desert Power LLC; Elk River Windfarm LLC; Klamath Energy LLC; Klamath Generation LLC; Klondike Wind Power II LLC; Leaning Juniper Wind Power LLC; Phoenix Wind Power LLC; Shiloh I Wind Project, LLC; Big Horn Wind Project LLC; Trimont Wind I LLC; Colorado Green Holdings LLC; Flat Rock Windpower LLC.

Description: PPM Energy Inc, Moraine Wind LLC et al. notify FERC of a change in their status as a result of the proposed acquisition of an interest in an affiliate of PPM by FC Energy I Inc etc.

Filed Date: March 29, 2006.

Accession Number: 20060331–0191.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 19, 2006.

Docket Numbers: ER06–168–002.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corp submits an amendment to its November 7, 2005 submittal, revisions to its OATT, FERC Electric Tariff, First Revised Volume 2 for its South Dakota operations etc.

Filed Date: March 30, 2006.

Accession Number: 20060404–0103.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–432–002.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits revised tariff language to its OATT, pursuant to the Commission February 28, 2006 order.

Filed Date: March 30, 2006.

Accession Number: 20060404–0014.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–433–002.

Applicants: Midwest Independent Transmission System Operator Inc.

Description: Midwest Independent Transmission System Operator Inc submits a supplemental informational filing to its unexecuted Large Generator Interconnection Agreement among Twins Creek Wind LLC et al.

Filed Date: March 30, 2006.

Accession Number: 20060404–0012.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–586–001.

Applicants: Midwest Independent Transmission System; Southern Minnesota Municipal Power Agency.

Description: Southern Minnesota Municipal Power Agency submits a response to the Commission March 15, 2006 directive for additional information.

Filed Date: March 30, 2006.

Accession Number: 20060403–0198.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–745–001.

Applicants: MASSPOWER.

Description: MASSPOWER submits a supplement to its March 16, 2006 Application.

Filed Date: March 30, 2006.

Accession Number: 20060404–0011.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–799–001.

Applicants: Entergy Services Inc.

Description: Entergy Services Inc, acting as agent for Entergy Operating Companies submits an amendment to its March 29, 2006 filling, unexecuted Standard Large Generation Interconnection Agreement with Arkansas Electric Coop Corp.

Filed Date: March 31, 2006.

Accession Number: 20060404–0013.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–801–000.

Applicants: Allegheny Energy Supply Company, LLC.

Description: Allegheny Energy Supply Co, LLC submits a petition requesting authorization to make wholesale power sales to its affiliate, The Potomac Edison Co, to become effective June 1, 2006.

Filed Date: March 29, 2006.

Accession Number: 20060406–0007.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 19, 2006.

Docket Numbers: ER06–807–000.

Applicants: American Electric Power Service Corp.

Description: American Electric Power Service Corp submits cancellations of Point-to-Point & Network Integration Transmission Service Agreements made pursuant its OATT.

Filed Date: March 31, 2006.

Accession Number: 20060404–0080.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–808–000.

Applicants: Central Maine Power Company.

Description: Central Maine Power Co submits proposed revisions to the formula rate local transmission service set forth in Schedule 21–CMP of the ISO-Tariff.

Filed Date: March 31, 2006.

Accession Number: 20060403–0141.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–809–000.

Applicants: Xcel Energy Operating Companies; Northern States Power Company.

Description: Northern States Power Co submits Connection Agreements with Great River Energy for the Traverse Switching Station dated May 23, 2001 et al.

Filed Date: March 30, 2006.

Accession Number: 20060403–0190.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–810–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits proposed revisions to Article Two & Appendices A and F of the ''Agreement of Transmission Facilities Owners to Organize the Midwest ISO etc.

Filed Date: March 31, 2006.

Accession Number: 20060403–0189.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–811–000.

Applicants: Entergy Services Inc.

Description: Entergy Services Inc on behalf of Entergy Arkansas, Inc submits an executed Service Agreement providing for cost-based, short-term power sales to the City of Prescott, Arkansas etc.

Filed Date: March 31, 2006.

Accession Number: 20060403–0188.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–812–000.

Applicants: Xcel Energy Services Inc.

Description: Xcel Energy Services Inc agent for Northern States Power Co et al submits notices of termination for the Network Integration Transmission Service Agreements and Network Operating Agreements etc.

Filed Date: March 31, 2006.

Accession Number: 20060403–0142.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–813–000.

Applicants: New England Power Pool Participants Committee

Description: New England Power Pool Participants Committee submits counterpart signature pages of the New England Power Pool Agreement dated as of September 1, 1971 etc.

Filed Date: March 31, 2006.

Accession Number: 20060403–0143.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–814–000.

Applicants: Consolidated Water Power Company.

Description: Consolidated Water Power Co submits an executed Service Agreement for Wholesale Distribution Service w/Wisconsin Public Service Corp etc.

Filed Date: March 31, 2006.

Accession Number: 20060403–0197.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–815–000.

Applicants: NRG Marketing Services LLC.

Description: NRG Marketing Services LLC submits a notice of cancellation of its market-based rate tariff, FERC Electric Tariff, Original Volume 1.

Filed Date: March 31, 2006.

Accession Number: 20060403–0144.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–816–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp submits Amendment 1 to its letter agreement with Bonneville Power Administration Transmission Business Line.

Filed Date: March 30, 2006.

Accession Number: 20060403–0186.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–817–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corp submits Amendment 2 to its Letter Agreement with Bonneville Power Administration Transmission Business Line etc.

Filed Date: March 30, 2006.

Accession Number: 20060403–0145.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 2006.

Docket Numbers: ER06–818–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Co submits amendments to its Transmission Owner Tariff, etc.

Filed Date: March 31, 2006.

Accession Number: 20060403–0162.

Comment Date: 5 p.m. Eastern Time on Friday, April 21, 2006.

Docket Numbers: ER06–819–000.

Applicants: Consolidated Edison Energy of Massachusetts, Inc.

Description: Consolidated Edison Energy Massachusetts Inc submits its Reliability Agreement with ISO New England Inc.

Filed Date: March 30, 2006.

Accession Number: 20060405–0068.

Comment Date: 5 p.m. Eastern Time on Thursday, April 20, 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 dockets(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. E6–5610 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

April 10, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–11910–002.

c. *Date filed:* August 31, 2004.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Applegate Dam Hydroelectric Project.

f. *Location:* On the Applegate River, near the town of Medford, Jackson County, Oregon. The proposed project would be located at the existing Applegate dam and reservoir, which are owned and operated by the Department of the Army, Corps of Engineers. The proposed project boundary would include approximately 8.3 acres of U.S. lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Brent L. Smith, Northwest Power Services, Inc. P.O. Box 535, Rigby, Idaho 83442, (208) 745–0834.

i. *FERC Contact:* Tim Looney, 202–502–6096, *timothy.looney@ferc.gov*.

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing documents described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See*, 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing motions to intervene and protests and requests for cooperating agency status:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests and requests for cooperating agency status 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.

l. This application has been accepted for filing, but is not ready for environmental analysis at this time.

m. The Applicant proposes to utilize the existing Applegate Dam, Applegate Reservoir, outlet works, and spillway, owned and operated by the Department of the Army, Corps of Engineers. The Applicant proposes to construct a powerhouse with an installed capacity of 10 megawatts at the area downstream from the dam. The Applicant also proposes to construct a new 15-mile-long, 69-kilovolt overhead power transmission line to connect the powerhouse with a substation located at Ruch, Oregon. The average annual generation is estimated to be 44,300,000 kilowatt-hours.

n. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *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, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

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.

o. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

p. Procedural schedule and final amendments: Revisions to the schedule will be made as appropriate. The schedule given in the September 7, 2004 tendering notice is revised as follows:

Issue Acceptance Letter	April 2006.
Issue Scoping Document 1 ..	April 2006.
Request Additional Information (if necessary).	June 2006.
Issue Scoping Document 2 (if necessary).	July 2006.
Notice that application is ready for environmental analysis (EA).	July 2006.
Notice of the availability of the EA.	Jan. 2007.

Ready for Commission's decision on the application.	May 2007.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5617 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2230–034]

City and Borough of Sitka, AK; Notice of Application Tendered for Filing With the Commission, Establishing Procedural Schedule for Relicensing, and a Deadline for Submission of Final Amendments

April 10, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2230–034.

c. *Date Filed:* March 28, 2006.

d. *Applicant:* City and Borough of Sitka, Alaska.

e. *Name of Project:* Blue Lake Hydroelectric Project.

f. *Location:* On the Sawmill Creek, 5 miles southeast of the City of Sitka, Alaska. The project occupies land of the United States administered by the Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Charles Walls, Utility Director, City and Borough of Sitka, 105 Jarvis Street, Sitka, AK 99835, (907) 747–4000.

i. *FERC Contact:* Thomas Dean, (202) 502–6041 or *thomas.dean@ferc.gov.*

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. *Deadline for requesting cooperating agency status:* May 30, 2006.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Requests for cooperating agency status 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 ''eFiling'' link.

l. This application is not ready for environmental analysis at this time.

m. The existing Blue Lake Project consists of one development and two units as follows: The Blue Lake development consists of: (1) A 211-foot-high, 256-foot-long concrete arch dam equipped with a 140-foot-long spillway and a release valve at the base of the dam; (2) a 1,225-acre reservoir with a normal water surface elevation of 342 feet msl; (3) a 7,110-foot-long power conduit consisting of: (a) An 11.5-foot-diameter, 1,500-foot-long penstock; (b) an 84-inch-diameter, 460-foot-long penstock; (c) a 10-inch-diameter, 4,650-foot-long lower penstock; (d) an 84-inch-diameter, 500-foot-long penstock; (e) a 20-inch-diameter water supply tap; (f) an 84-inch-diameter butterfly valve; and (g) a 24-inch conduit drain valve; (4) a powerhouse containing two 3,000 kW generating units; (5) a 150-foot-long tailrace; (6) a 5-mile-long, 69-kV transmission line; and (7) appurtenant facilities.

The Fish Valve Unit consists of: (1) A 36-inch-diameter wye penstock connected to the power conduit; (2) a powerhouse containing one 670 kW generating unit; (3) a 7,700-foot-long, 12.47-kV transmission line; and (4) appurtenant facilities.

The Pulp Mill Feeder Unit consists of: (1) A 36-inch-diameter tee connected to the power conduit; (2) a 36-inch-diameter, 24-foot-long penstock; (3) a powerhouse containing one 870 kW generating unit; (4) a 470-foot-long 4.16-kV transmission line; and (5) other appurtenant facilities.

n. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *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, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

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.

o. With this notice, we are initiating consultation with the Alaska State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

p. *Procedural schedule and final amendments:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if any, will be addressed in an EA. Staff intends to give at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application.

Issue Acceptance or Deficiency Letter.	May 2006.
Request Additional Information, if needed.	May 2006.
Notice Soliciting Final Terms and Conditions.	Aug. 2006.
Notice of the availability of the EA.	Jan. 2007.
Ready for Commission's decision on the application.	March 2007.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice soliciting final terms and conditions.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5618 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

April 10, 2006.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Amendment of License to Use the Project Water and Lands.

b. *Project No.:* 405–068.

c. *Date Filed:* March 24, 2006.

d. *Applicant:* Susquehanna Power Company and PECO Energy Power Company.

e. *Name of Project:* Conowingo Hydroelectric Project.

f. *Location:* The project is located on the Susquehanna River in Hartford and Cecil Counties in Maryland, and York and Lancaster Counties in Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* H. Alfred Ryan, Assistant General Counsel, Exelon Business Services Company, 2301 Market Street, Philadelphia, Pennsylvania 19101–8609, Tel: (215) 841–6855, Fax: (215)568–3389, E-Mail: *halfred.ryan@exeloncorp.com.*

Brian J. McManus, Jones Day, 51 Louisiana Avenue, NW., Washington, DC 20001–2113, Tel: (202) 879–5452, Fax: (202) 626–1700, E-Mail: *bjmcmanus@jonesday.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Jake Tung at (202) 502–8757, or e-mail address: *hong.tung@ferc.gov.*

j. *Deadline for filing comments and or motions:* May 8, 2006.

k. *Description of Request:* The licensees filed for Commission approval of an agreement between licensees and Conectiv Mid Merit, LLC (CMM) for use of the project's reservoir and lands for the withdrawal and discharge of water necessary to support CMM's combined cycle electric power generating plant, to be built and operated in Peach Bottom Township, York County, Pennsylvania. CMM plans to withdraw water from the Conowingo Reservoir for cooling and process water by constructing a water supply pipeline from the reservoir to the plant. The water intake line will extend approximately 1,000 feet into Conowingo Reservoir. CMM also plans to discharge blowdown from a cooling tower to the Conowingo Reservoir via a water discharge pipeline from the plant to the river. The water discharge line will extend approximately 1,200 feet into Conowingo Reservoir. CMM proposes a maximum daily withdrawal of 19.01 million gallons per day (mgd), with an expected return flow of 10.29 mgd, for a total maximum consumptive use of 8.72 mgd of water.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *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. 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, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5619 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD06–6–000; Docket No. RM01–10–005; Docket No. RM05–30–000 [1]]

Joint Meeting of the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission; Interpretative Order Relating to the Standards of Conduct; Rules Concerning Certification of the Electric Reliability Organization; Notice of Joint Meeting of the U.S. Nuclear Regulatory Commission and the Federal Energy Regulatory Commission With Revised Agenda

April 10, 2006.

As announced in the April 3, 2006 Notice of Joint Meeting, the Federal Energy Regulatory Commission (FERC) and the U.S. Nuclear Regulatory Commission (NRC) will hold a joint meeting on April 24, 2006, in Room 2C, 888 First Street, NE., Washington, DC 20426. The meeting is expected to begin at 2 p.m. (EDT) and conclude at 4 p.m. All interested persons are invited to attend.

Purpose of Joint Meeting

In accordance with the April 3 Notice, the purpose of the joint meeting is to continue the dialog between the two agencies in furtherance of the goals set forth in the Memorandum of Agreement, signed on September 1, 2004, especially in light of the concurrent matters involving offsite power,[2] and to explore the most effective role of each agency in addressing grid reliability issues and, thereby, to ensure an integrated approach in accomplishing their respective missions.

[1] The Commission does not anticipate any decisions being made in either of these rulemaking dockets at this meeting; however, as both rulemakings may be discussed, the Commission is noticing both dockets to ensure no violation of the Government in the Sunshine Act requirements occurs.

[2] On February 1, 2006, the NRC issued Generic Letter 2006–002, Grid Reliability and the Impact on Plant Risk and the Operability of Offsite Power, OMB No. 3150–0011. On February 16, 2006, in Docket No. RM01–10–005, FERC issued *Interpretive Order Relating to the Standards of Conduct for Transmission Providers,* 114 FERC ¶ 61,155 (2006).

Format for Joint Meeting

The format for the joint meeting will be discussions between the two sets of commissioners following presentations by their respective staffs, as set forth in the *revised* agenda below. There will not be industry presentations.

Revised Agenda

Opening Remarks by FERC Chairman Kelliher, NRC Chairman Diaz and Commissioners

Brief presentations by NRC Staff on effects of grid reliability on nuclear power plants and projected additions of new nuclear reactors to the grid and by FERC Staff on grid reliability and the Electric Reliability Organization proceeding.

Discussion

Brief presentations/updates by NRC Staff on Generic Letter and by FERC Staff on Interpretive Order Proceeding.

Discussion

Brief presentations by NRC Staff on reactor regulation and oversight, including adopting and revising standards, and by FERC Staff on new responsibilities under the Energy Policy Act of 2005.

Discussion

Closing Remarks by NRC Chairman Diaz, FERC Chairman Kelliher and Commissioners

* * * * *

As noted in the April 3 Notice, free webcast of this event is available through *http://www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *http://www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the webcasts and offers access to the meeting via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at 703–993–3100.

Transcripts of the meeting will be available immediately for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646). They will be available for free on the Commission's eLibrary system and on the events calendar approximately one week after the meeting.

FERC conferences and meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or 202–502–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

All interested persons are invited. There is no pre-registration and there is no fee to attend this joint meeting. Questions about the meeting should be directed to Mary Kipp at *Mary.Kipp@ferc.gov* or by phone at 202–502–8228.

Magalie R. Salas,

Secretary.

[FR Doc. E6–5621 Filed 4–14–06; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2006–0316; FRL–8158–8]

Human Studies Review Board; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency's (EPA or Agency) Office of the Science Advisor (OSA) announces a public meeting of the Human Studies Review Board (HSRB) to advise the Agency on EPA's scientific and ethical reviews of human subjects research.

DATES: The public meeting will be held May 2–4, 2006 from 8:30 a.m. to approximately 5 p.m., eastern time (However, the third day may not be needed).

Location: Holiday Inn Hotel & Suites, Alexandria-Historic District, 625 First Street, Alexandria, VA 22314. The telephone number for the Holiday Inn Hotel & Suites, Alexandria-Historic District is (703) 548–6300.

Meeting Access: Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access and assistance for the hearing impaired, should contact the DFO at least 10 business days prior to the meeting using the information under **FOR FURTHER INFORMATION CONTACT** so that appropriate arrangements can be made.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral comments for the HSRB to consider during the advisory process. Additional information concerning submission of relevant written or oral comments is provided in Unit I.E. of this notice.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes further information should contact Paul I. Lewis, Designated Federal Officer (DFO), EPA, Office of the Science Advisor, (8105), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8381; fax: (202) 564–2070; e-mail address: *lewis.paul@epa.gov*.

ADDRESSES: Submit your written comments, identified by Docket ID No. EPA–HQ–ORD–2006–0316, by one of the following methods: *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

E-mail: *ORD.Docket@epa.gov*.

Mail: ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Hand Delivery: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–ORD–2006–0316. Deliveries are only accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2006–0316. 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.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

A. Does This Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who conduct or assess human studies on substances regulated by EPA or to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the 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 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 the Code of Federal Regulations (CFR) is available at *http://www.gpoaccess.gov/ecfr/*.

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 at the ORD 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 ORD Docket is (202) 566–1752.

EPA's position paper(s), charge/questions to the HSRB, and the meeting agenda will be available by mid to late April 2006. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the regulations.gov Web site and the HSRB Internet Home Page at *http://www.epa.gov/osa/hsrb/*. For questions on document availability or if you do not have access to the Internet, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

C. What Should I Consider as I Prepare May Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. Provide specific examples to illustrate your concerns.

5. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and Federal Register citation.

E. How May I Participate in This Meeting?

You may participate in this meeting by following the instructions in this section. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–ORD–2006–0316 in the subject line on the first page of your request.

1. *Oral comments.* Requests to present oral comments will be accepted up to April 26, 2006. To the extent that time permits, interested persons who have not pre-registered may be permitted by the Chair of the HSRB to present oral comments at the meeting. Each individual or group wishing to make brief oral comments to the HSRB is strongly advised to submit their request (preferably via e-mail) to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, eastern time, April 26, 2006, in order to be included on the meeting agenda. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard). Oral comments before the HSRB are limited to 5 minutes per individual or organization. Please note that this includes all individuals appearing either as part of, or on behalf of an organization. While it is our intent to hear a full range of oral comments on the science and ethics issues under discussion, it is not our intent to permit organizations to expand these time limitations by having numerous individuals sign up separately to speak on their behalf. If additional time is available, there may be flexibility in time for public comments. Each speaker should being 25 copies of his or her comments and presentation slides for distribution to the HSRB at the meeting.

2. *Written comments.* Although you may submit written comments at any time, for the HSRB to have the best opportunity to review and consider your comments as it deliberates on its report, you should submit your comments at least 5 business days prior to the beginning of the meeting. If you submit comments after the date, those comments will be provided to the Board members, but you should recognize that the Board members may not have adequate time to consider those comments prior to making a decision. Thus, if you plan to submit written comments, the Agency strongly encourages you to submit such comments no later than noon, eastern time, April 26, 2006. You should submit your comments using the instructions in Unit 1.C. of this notice. In addition, the Agency also requests that person(s) submitting comments directly to the docket also provide a copy of their comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

F. Background

The HSRB will meet to consider and review EPA's scientific and ethics analyses of six completed human toxicity studies concerning three different compounds, including: Hexavalent chromium, a constituent of a wood preservative; and the following pesticide active ingredients—carbofuran and methyl isothiocyanate (MITC). The studies being considered at this meeting will include both studies on which the Agency proposes to rely in actions under the pesticide laws and studies that the Agency has decided not to use in its risk assessments, either for scientific reasons or because they do not meet the standards in EPA's final human studies rule, 40 CFR part 26. The Agency will ask the HSRB to advise the Agency on a range of scientific and ethics issues and on how the studies should be assessed against the provisions in 40 CFR 26.1701–26.1704 of EPA's final human studies rule. In addition, the Board may be reviewing draft HSRB reports for subsequent Board approval.

Dated: April 11, 2006.

William H. Farland,

Acting EPA Science Advisor.

[FR Doc. 06–3635 Filed 4–14–06; 8:45 am]

BILLING CODE 6960–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8159–2]

Science Advisory Board Staff Office Notification of an Upcoming Teleconference of the Science Advisory Board Geographic Information System Screening Tool Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the SAB Geographic Information System Screening Tool Review Panel.

DATES: The public teleconference will be held on May 2, 2006, from 2 p.m. to 5 p.m. (eastern time).

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain the call-in number and access code for the teleconference may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), by mail at the Science Advisory Board Office (1400F), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone at (202) 343–9995; or by e-mail at *armitage.thomas@epa.gov.* General information about the SAB may be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the SAB Geographic Information System Screening Tool Review Panel will hold a public teleconference to discuss its draft advisory report on the EPA Region 6 Geographic Information System Screening Tool. The Panel reviewed the GISST at a public meeting held on December 7–8, 2005 and has prepared a draft advisory report to EPA. Background information on the Panel and the GISST review was provided in **Federal Register** notices published on September 22, 2005 (70 FR 55620–55621) and November 15, 2005 (70 FR 69340–69341). The Panel is holding the teleconference to finalize its draft report before submitting the report to the chartered SAB for review and approval. The Panel(s draft advisory report may be found on the SAB Web site at *http://www.epa.gov/sab.* The teleconference agenda will be posted on the SAB website prior to the teleconference. The Panel will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies.

Procedures for Providing Public Input: Members of the public may submit relevant written or oral information for the SAB Panel to consider during the advisory process.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker with no more than a total of fifteen minutes for all speakers. Interested parties should contact the DFO, contact information provided above, in writing via e-mail seven days before the teleconference in order to be placed on the public speaker list.

Written Statements: Written statements should be received in the SAB Staff Office at least seven days before the meeting so that the information may be made available to the Panel for their consideration. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 98/2000/XP format).

Meeting Accommodations: For information on access or services for people with disabilities, please contact the DFO, contact information provided above. To request accommodation of a disability please contact the DFO, preferably at least ten business days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: April 11, 2006.

Anthony F. Maciorowski,

Associate Director for Science, EPA Science Advisory Board Staff Office.

[FR Doc. E6–5687 Filed 4–14–06; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/.*

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 11, 2005.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

1. First Suffield Financial Inc., Suffield, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Suffield, Suffield, Connecticut.

2. SEE Trust, Miami, Florida, and Evan Marbin as trustee; to become a bank holding company by acquiring more than 25 percent of the voting shares of TransAtlantic Bank, Miami, Florida.

B. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. FEB Bancshares, Inc., Louisville, Alabama; to become a bank holding company by acquiring 100 percent of the outstanding shares of Farmers Exchange Bank,Louisville, Alabama.

C. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Birmingham Bloomfield Bancshares, Inc., Birmingham, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Birmingham (in organization), Birmingham, Michigan.

D. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. First Horizon National Corporation, Memphis, Tennessee; to acquire 100 percent of The State Bank, Rocky Ford, Colorado.

E. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Citizens National Corporation, Wisner, Nebraska; to acquire 40 percent of the voting shares of Republic Corporation, and thereby indirectly acquire shares of United Republic Bank (in organization), both in Omaha, Nebraska.

Board of Governors of the Federal Reserve System, April 11, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–5600 Filed 4–14–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *http://www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 12, 2006.

A. Federal Reserve Bank of Cleveland (Cindy West, Manager) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Citizens National Corporation, Paintsville, Kentucky; to acquire 100 percent of Heritage Bank of Ashland, Inc., Ashland, Kentucky

B. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Monarch Community Bancorp, Inc., Coldwater, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Monarch Community Bank, Coldwater, Michigan.

C. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. The Farmers State Bank of Fort Morgan Colorado Employee Stock Ownership Plan, Morgan, Colorado; to acquire up to 38 percent of the voting shares of FSB Bancorporation of Fort Morgan, and thereby indirectly acquire voting shares of Farmers State Bank of Fort Morgan, both of Fort Morgan, Colorado.

Board of Governors of the Federal Reserve System, April 12, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–5665 Filed 4–14–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 1, 2006.

A. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Farmers Bancorp,, Frankfort, Indiana; to retain 100 percent of the voting shares of Farmers Bank Reinsurance Company, Ltd., Frankfort, Indiana, and thereby engage in the sale or brokering of insurance, pursuant to section 225.28(b)(11)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, April 11, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E6–5599 Filed 4–14–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[Docket No. 9317]

Dynamic Health of Florida, LLC; Analysis of Proposed Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before May 5, 2006.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Dynamic Health of Florida, Docket No. 9317,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following

address: Federal Trade Commission/ Office of the Secretary, Room 135–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form as part of or as an attachment to e-mail messages directed to the following e-mail box: *consentagreement@ftc.gov.*

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC website, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

FOR FURTHER INFORMATION CONTACT: Janet Evans (202–326–2125) or Sydney Knight (202–326–2162), Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 3.25(f) of the Commission Rules of Practice, 16 CFR 3.25(f), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for April 6, 2006), on the World Wide Web, at *http://www.ftc.gov/os/2006/04/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order with Dynamic Health of Florida, LLC; Chhabra Group, LLC; and Vineet Chhabra a/k/a Vincent Chhabra (''respondents''). The proposed order resolves the allegations of the complaint issued against these respondents and others on June 15, 2004. In the Matter of Dynamic Health of Florida, LLC, D. 9317 (June 15, 2004).

The proposed consent order has been placed on the public record for thirty (30) days for submission of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will review the agreement in light of any comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns the respondents' marketing of a purported children's weight loss product called ''Pedia Loss'' and a purported female libido enhancer called ''Fabulously Feminine.'' The Commission's complaint charged that advertising for Pedia Loss made unsubstantiated claims that (1) Pedia Loss causes weight loss in overweight or obese children ages 6 and over, and (2) when taken by overweight or obese children ages 6 and over, Pedia Loss causes weight loss by suppressing appetite, increasing fat burning, and slowing carbohydrate absorption. The Commission's complaint also charged that advertising for Fabulously Feminine falsely represented that clinical testing proves that Fabulously Feminine enhances a woman's satisfaction with her sex life and level of sexual desire. In addition, the complaint challenged the unsubstantiated claim that Fabulously Feminine will increase a woman's libido, sexual desire, and sexual satisfaction by stimulating blood flow and increasing sensitivity.

Part I.A. of the proposed order requires that respondents possess and rely on competent and reliable scientific evidence to support representations that Pedia Loss or any other covered product causes weight loss, suppresses appetite, increases fat burning, or slows carbohydrate absorption; causes weight loss in overweight or obese children ages 6 and over; or causes weight loss by suppressing appetite, increasing fat burning, or slowing carbohydrate absorption, when taken by overweight or obese children ages 6 and over. ''Covered product'' is defined as any dietary supplement, food, or drug. Part I.B. of the order requires that proposed respondents possess and rely on competent and reliable scientific evidence to support representations that Fabulously Feminine or any other covered product will increase a woman's libido, sexual desire, or sexual satisfaction.

Part II of the proposed order requires that respondents possess and rely on competent and reliable scientific evidence to support benefits, performance, or efficacy representations for any covered product.

Part III of the proposed order prohibits respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test or studies.

Part IV of the proposed order permits respondents to make certain claims for food or drugs that are permitted in labeling under laws and/or regulations administered by the U.S. Food and Drug Administration.

The remainder of the proposed order contains requirements that respondents maintain copies of advertising making representations covered by the order and any materials relied upon in disseminating these representations (Part V); distribute copies of the order to certain company officials (Part VI); notify the Commission of changes in corporate structure (Part VII); notify the Commission of changes in the individual respondent's business or employment (Part VIII); and file one or more reports detailing their compliance with the order (Part IX). Part X of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E6–5622 Filed 4–14–06; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Clinical and Preventive Services; Elder Care Initiative Long Term Care Grant Program

Announcement Type: New Discretionary .

Funding Announcement Number: HHS–2006–IHS–IWHD–0001.

Catalog of Federal Domestic Assistance Number: 93.933.

Key Dates:

Letter of Intent Deadline: May 12, 2006.

Application Receipt Deadline: June 5, 2006.

Application Review Dates: June 19–30, 2006.

Application Notification: July 10–14, 2006.

Anticipated Award Start Date: August 1, 2006.

I. Funding Opportunity Description

The Indian Health Service (IHS) announces competitive grant applications for the Elder Care Initiative Long Term Care Grant Program (ECILTC). This program is authorized under section 301(a), Public Health Service Act, as amended, Snyder Act, 42 Stat. 208; Public Law 94–482; and Indian Health Care Improvement Act, 25 U.S.C. 1653(c). This program is described at 93.933 in the Catalog of Federal Domestic Assistance.

Approximately $650,000 will be available through the ECILTC grant program to support planning and implementation of sustainable long term care (LTC) services for American Indians and Alaska Native (AI/AN) elders.

The AI/AN elder population is growing rapidly and the AI/AN population as a whole is aging. The prevalence of chronic disease in this population continues to increase, contributing to a frail elder population with increasing long-term care needs.

LTC is best understood as an array of social and health care services that support an individual who has needs for assistance in activities of daily living over a prolonged period. LTC supports elders and their families with medical, personal, and social services delivered in a variety of settings to support quality of life, maximum function, and dignity. While families continue to be the backbone of LTC for AI/AN elders, there is well documented need to support this care with formal services. The way these services and systems of care are developed and implemented can have a profound impact on the cultural and spiritual health of the community.

Home and community-based services (HCBS) have the potential for meeting the needs of the vast majority of elders requiring LTC services, supporting the key roles of the family in the care of the elder and the elder in the care of the family and community. A LTC system with a foundation in home and community-based services will also comply with the U.S. Supreme Court interpretation of the Americans with Disabilities Act (ADA) in *Olmstead* v. *L.C.* This ruling obligates States and localities to provide care for persons with disability ''in the most integrated setting appropriate to the needs of qualified individuals with disabilities.'' (28 CFR 35.130(d)). An efficient and effective LTC system would make use of all available resources, integrating and coordinating services to assist families in the care of their elders.

The primary focus for planning and program development for AI/AN LTC is at the Tribal and urban community level. Tribes and communities have very different histories, capabilities, and resources with regard to LTC program development. Each Tribe or community will have different priorities in building LTC infrastructure. The development of LTC services should be well grounded in an assessment of need based on population demographics and rates of functional impairment. LTC services should be acceptable to elders and their families and consistent with community values in their implementation. The services should be a part of an overall vision and plan for an LTC system to support elders and their families.

There are a number of elements (Tribal sovereignty and the government-to-government relationship, the unique funding structure of Indian health, and the importance of the cultural context) that distinguish AI/AN LTC. Tribes and AI/AN organizations have found it useful to look both inside and outside of the Indian health system for LTC strategies and models.

The planning and design of LTC services must identify the revenue source(s) that will support the delivery of care. Finding resources for LTC services presents a formidable challenge. Funds appropriated through the IHS (whether direct service or Tribal) can provide services which are part of a LTC system, but do not provide for a comprehensive set of LTC services. Further, IHS funds are intended for health and medical care and cannot support programs which are primarily custodial in nature (e.g. assisted living, board and care) or those designed to serve non-IHS beneficiaries. Programs funded through the Administration on Aging American Indian, Alaska Native and Native Hawaiian Program (e.g. Title VI A and Title VI C Family Caregiver Support Program) have been key elements in the LTC infrastructure in AI/AN communities. Additional Older American Act resources may be available through State Units on Aging and Area Agencies on Aging. Other resources are available to provide LTC services on a reimbursable basis for eligible AI/AN elders. The majority of formal LTC services in this country are funded by reimbursements from state Medicaid and Home and community-based services programs. The Veterans Administration may be a source of reimbursement for LTC services for eligible AI/AN veterans. Federal housing programs are a potential resource in developing the housing component of the LTC infrastructure. Each of these resources has unique eligibility requirements. Development of reimbursement-based LTC services often requires an ongoing investment of funds to support delivery of services during the initial period of client recruitment, start-up of services, and the receipt of reimbursement for those services.

This grant program is designed to provide support for the development of AI/AN LTC, with funding for either assessment/planning or program implementation. LTC services developed with support of this grant program must be those which the IHS has the authority to provide, either directly or through funding agreement, and must be designed to serve IHS beneficiaries. Most Tribes and urban communities are building toward their ideal LTC system incrementally, adding new or integrating existing services over time. The goal of this grant program is to support Tribes, Tribal consortia, and urban Indian health programs as they build LTC systems and services that meet the needs of their elders and that keep elders engaged and involved in the lives of their families and communities.

II. Award Information

Type of Awards: Grant.

Estimated Funds Available: The total amount identified for fiscal year (FY) 2006 is $650,000. The awards are for 24

months, with a one year non-competitive continuation for the second year funding. The continuation awards under this announcement are subject to a satisfactory performance and availability of funds.

Anticipated Number of Awards: An estimated of 9–12 awards.

Project Period: 24 months.

Award Amount: $50,000 per year (Project Type Category I1—Assessment and Planning). $75,000 per year (Project Type Category II2—Implementation).

The Long Term Care Grant Program consists of two Project Types Project Types with different funding Levels:

1. Project Type Category I—Assessment and Planning (up to $50,000 per year for 2 years)

Assessment of need for LTC services and of the type and structure of services that will best serve the elders of the Tribe or community. The development of a comprehensive plan or vision to meet the LTC needs of the Tribe or community and of a plan for implementation of one or more specific services, including detailed planning for sustainability. At the end of the funding cycle the applicant should be well prepared for successful implementation of one or more sustainable LTC services. The end result of this project should prepare the applicant for a Category II grant application (see below).

2. Project Type Category II—Implementation (up to $75,000 per year for 2 years), including:

Implementation of a service or group of services adding capacity to the LTC system of the applicant Tribe or organization. The implementation plan should be based on a comprehensive assessment and plan, including a business plan. The services should be designed to be self-sustaining at the end of the project period.

The application must contain only one Project Type. Applications that address more than one Project Type will be ineligible for review and will be returned to the applicant. The maximum funding level includes both direct and indirect costs. Applications with budgets exceeding the maximum funding level or project period identified for a Project Type will not be reviewed.

Year 2 continuation awards within the project period will be based on completion of a non-competing continuation application demonstrating on satisfactory performance and on availability of funding, and a non-competing continuation application must show satisfactory performance in order to receive future funding needs of the IHS.

III. Eligibility Information

1. Eligible Applicants

The AI/AN applicant must be one of the following:

A. A Federally-recognized Indian Tribe; or

B. Tribal Organization as defined by 25 U.S.C. 1603(e); or

C. Urban Indian Organizations as defined by 25 U.S.C. 1603(h).

Applicants must provide proof of non-profit status with the application.

2. Cost Sharing or Matching

The IHS Office of Clinical and Preventive Services does not require matching funds or cost sharing.

3. Other Requirements

The following documentation is required (if applicable):

A. Tribal Resolution—A resolution of the Indian Tribe served by the project must accompany the application submission. An Indian Tribe that is proposing a project affecting another Indian Tribe must include resolutions from all affected Tribes to be served. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities. Draft resolutions are acceptable in lieu of an official resolution. However, an official signed Tribal resolution or additional documentation must be received by the Division of Grants Operations prior to the beginning of the application review date, June 19, 2006. If an official signed resolution is not received by June 19, the application will be considered incomplete, ineligible for review, and it will be returned to the applicant without consideration. Ensure that all information is received by the IHS by obtaining confirmation of delivery (i.e., FedEx tracking, postal return receipt, etc.).

B. Documentation of Consortium Participation—If an Indian Tribe submitting an application is a member of a consortium that is also submitting an application under this announcement, the Tribe must:

1. Identify the Consortium.

2. Indicate that the Consortium intends to submit a LTC Grant Program application.

3. Demonstrate that the Tribe's application does not duplicate or overlap any objectives of the consortium's application.

If a Consortium is submitting an application it must:

1. Identify all of the consortium member Tribes.

2. Identify if any of the member Tribes intend to submit a LTC Grant application of their own.

3. Demonstrate that the consortium's application does not duplicate or overlap any objectives of the other consortium members who may be submitting their own LTC Grant Program application.

Applications received from a Consortium and member Tribe(s) of that Consortium that do not meet the requirements above will be considered ineligible for review.

Tribes, Tribal Consortia, and AI/AN programs receiving funding to develop LTC service(s) through the IHS Elder Health Care Initiative Grants program (FY2003–2005) must show substantial completion of the currently funded project(s). The goals and objectives of this application must be different than those of the currently funded project (e.g., an applicant with current funding to implement an Adult Day Health Program now applies for funding to implement a personal care program).

Please refer to Sections IV 56. ''Funding Restrictions'' and V 3. ''Review Section Process'' for more information regarding other application submission information and/or requirements.

C. The Letter of Intent (LOI) is required for eligibility. The LOI will be used only as a responsiveness criterion and will not be reviewed.

IV. Application and Submission Information

1. Address to Request Application Package

Applicant package may be found in Grants.gov or at: *http://www.ihs.gov/MedicalPrograms/ElderCare/index.asp.*

2. Content and Form of Application Submission

A LOI to apply is required and must be postmarked no later than May 12, 2006. No grant application will be reviewed unless a LOI has been received. The LOI must contain:

A. The name of the applying organization.

B. The individual who is responsible for correspondence regarding the application, and contact information. Please indicate whether fax or e-mail notification of receipt of LOI is preferred, and provide e-mail address and/or fax number.

C. The name of all member Tribes if the applicant is a Tribal Consortium.

D. Whether the intent is to apply for a Project Type Category I or Project Type Category II grant.

E. Applicants will be notified by fax or e-mail that their LOI has been received upon receipt.

F. A LOI is a mandatory but non-binding request for information that will assist in planning both the review and post award phase. There is no penalty for submitting a LOI and not proceeding with the grant application.

G. Information regarding the LOI to Ms. Platero and may be directed to:

Program Contact: Ms. Orie Platero, Office of Clinical and Preventive Services (OCPS), Indian Health Service, 801 Thompson Ave., TMP Suite 326, Rockville, MD 20852, Phone (301) 443–2522, Fax: (301) 594–6213.

Grants Contact: Ms. Martha Redhouse, Grants Management Specialist, Indian Health Service, 801 Thompson Ave., TMP Suite 360, Rockville, MD 20852, Phone (301) 443–5204, Fax: (301) 443–9602.

H. Information regarding the electronic process may be directed to Michelle G. Bulls, at (301) 443–6528.

Content and Form of Application Submission if paper submission approval was obtained:

A. Be single spaced.

B. Be typewritten.

C. Have consecutively numbered pages.

D. If unable to submit electronically, submit using a black type not smaller than 12 characters per one inch.

(1) Submit on one side only of standard size 8½″ x 11″ paper.

(2) Do not tab, glue, or place in a plastic holder.

Use black type not smaller than 12 characters per one inch.

E. Contain a narrative that does not exceed 7 typed pages that includes the other submission requirements below. The 7 page narrative does not include the work plan, standard forms, Tribal resolutions (if necessary), table of contents, budget line items, budget justifications, narratives, and/or other appendix items.

Public Policy Requirements: All Federal-wide public policies apply to IHS grants with the exception of Lobbying and Discrimination.

If paper submission approval was obtained, include in the application the following documents in the order presented:

A. Letter of Intent must be received by May 12, 2006.

B. Application Receipt Record, IHS–815–1A (Rev. 3/05), if applicable.

C. FY 2006 Elder Care Initiative LTC Grant Application Checklist.

D. FY 2006 General Information Page.

E. Tribal Resolution (final signed or draft unsigned) or 501(c)(3) Certification.

F. Documentation of Consortium Participation (if applicable).

G. Standard Form 424, Application for Federal Assistance.

H. Standard Form 424A, Budget Information—Non-Construction Programs.

I. Standard Form 424B, Assurances—Non-Construction Programs (front and back). The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR Part 36 Subpart H.

J. Certifications.

K. PHS–5161 Checklist.

L. Disclosure of Lobbying Activities.

M. Project Abstract (may not exceed one typewritten page) which should present a summary view of ''who-what-when-where-how-cost'' to determine acceptability for review.

N. Table of Contents with corresponding numbered pages.

O. Project Narrative (not to exceed 7–14 typewritten pages—should address first year only if project is a multi-year request) that includes the following:

(1) Introduction and Need for Assistance.

(2) Work Plan.

(3) Project Evaluation.

(4) Organizational Capabilities and Qualifications.

(5) Categorical Budget line items and Budget Justification.

P. Multi-year Objectives and Work plan with Multi-year Categorical Budget and Multi-year.

Q. Appendix items.

Public Policy Requirements: All Federal-wide public policies apply to IHS grants with the exception of Lobbying and Discrimination.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by close of business Monday, June 5, 5 p.m. ET. If technical issues arise and the applicant is unable to successfully complete the electronic application process, the applicant must contact Michelle G. Bulls, Grants Policy Staff at (301) 443–6528 fifteen days prior to the application deadline and advise them of the difficulties you are having submitting your application on line. The Grants Policy staff will determine whether you may submit a paper application (original and 2 copies). Please note, the grantee must obtain prior approval, in writing, from the Grants Policy staff allowing the paper submission. Applications not submitted through Grants.gov, without the necessary waiver, may be returned to the applicant without review or consideration.

Late applications will be returned to the applicant without review or consideration.

A hard copy or faxed LOI must be received on or before Friday, May 12, 2006. This should be no more than 2 pages.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

A. Pre-award costs are not allowable pending prior approval from the awarding agency. However, in accordance with 45 CFR part 74 all pre-award costs are incurred at the recipient's risk. The awarding office is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award to the recipient is less than anticipated.

B. The available funds are inclusive of direct and indirect costs.

C. Only one grant/cooperative agreement will be awarded per applicant.

D. Ineligible project activities:

These funds may not be used to support already existing recurring operational programs or to replace existing public and private resources. The inclusion of the following projects or activities in an application will render the application ineligible and the application will be returned to the applicant:

(1) Projects related to water, sanitation, and waste management.

(2) Projects that seek funding in two Project Types funding categories.

E. An otherwise eligible applicant who is a current recipient of IHS Elder Health Care Initiative grant funding (FY2003–2005) cannot be awarded a new, renewal or competing continuation grant for any of the following reasons:

(1) The current project is not progressing in a satisfactory manner.

(2) The current project is not in compliance with program and financial reporting requirements.

(3) There is overlap between the specific work plan and objectives outlined in the application with those in the currently funded project.

(4) If the funding period of the new award overlaps with current support, the grantee must relinquish or reduce funding on the current award. For additional information or clarification, please contact Ms. Michelle Bulls, Grants Policy Officer at (301) 443–6528.

F. Delinquent Federal Debts. No award shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(1) The delinquent account is paid in full; or

(2) A negotiated repayment schedule is established and at least one payment is received.

6. Other Submission Requirements

Electronic Transmission—The preferred method for receipt of applications is electronic submission through Grants.gov. However, should any technical problems arise regarding the submission, please contact Grants.gov Customer Support at (800) 518–4726 or *support@grants.gov*. The Contact Center hours of operation are Monday–Friday from 7 a.m. to 9 p.m. (Eastern Standard Time). If you require additional assistance please contact IHS Grants Policy staff at (301) 443–6528 at least fifteen days prior to the application deadline. To submit an application electronically, please use the *http://www.Grants.gov* Web site. Download a copy of the application package on the Grants.gov website, complete it off-line and then upload and submit the application via the Grants.gov Web site. You may not e-mail an electronic copy of a grant application.

Please note the following:

A. Under the new IHS requirements, paper applications are not the preferred method. However, if you have technical problems submitting your application on-line, please contact Grants.gov Customer Support at: *http://www.grants.gov/CustomerSupport*. If you are still unable to successfully submit your application online, please contact Grants Policy staff fifteen days prior to the application deadline and advise them of the difficulties you are having submitting your application online. At that time, it will be determined whether you may submit a paper application. At that point you have to download the application package from Grants.gov, and send it directly to the Division of Grants Operations, 801 Thompson Avenue, TMP 360, Rockville, MD 20852 by the June 5, 2006 due date.

B. When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the Web site, as well as the hours of operation. We strongly recommend that applicants not wait until the deadline date to begin the application process through the Grants.gov Web site.

C. To use Grants.gov, you, as the applicant, must have a DUNS number and register with the Central Contractor Registry (CCR). You should allow a minimum of five days to complete CCR registration. See below on how to apply.

D. You must submit all documents electronically, including all information typically included on the SF–424 and all necessary assurances and certifications.

E. Your application must comply with any page limitation requirements described in the program announcement.

F. After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The IHS DGO will retrieve your application from Grants.gov Web site.

G. You may access the electronic application for this program on *http://www.Grants.gov*.

H. You must search for the downloadable application package by using the basic search engine in Grants.gov and inserting the CFDA number, 93.933 that is used for this announcement.

E-mail applications will not be accepted under this announcement.

The required Letter of Intent (LOI) must be faxed or postmarked on or before May 12, 2006 to: Ms. Orie Platero, Office of Clinical and Preventive Services (OCPS), Indian Health Service, 801 Thompson Ave., TMP Suite 326, Rockville, MD 20852. Fax (301) 594–6213.

DUNS Number

Applicants are required to have a Dun and Bradstreet (DUNS) number to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call (866) 705–5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

Applications submitted electronically must also be registered with the Central Contractor Registry (CCR). A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling (888) 227–2423. Please review and complete the CCR ''Registration Worksheet'' located on *http://www.grants.gov/CCRRegister*.

More detailed information regarding these registration processes can be found at *http://www.grants.gov*.

V. Application Review Information

Note: Only those programs or services which the IHS is authorized to provide, either directly or through funding agreement, can be supported by this grant program. Specifically, those services which are primarily housing or custodial in nature are not eligible for support (*e.g.* assisted living facility, board and care, or nursing home which is primarily custodial in nature). Supportive services delivered in those facilities, with the intent to promote the health and wellness of elders, are eligible for funding. Programs and services developed with support of this grant program must be designed for the benefit of IHS beneficiaries.

1. Criteria

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The narrative should include only the first year of activities; information for multi-year projects should be included as an appendix (see ''Multi-year Project Requirements'' at the end of this section for more information). The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully.

A. Project Type Category I—Assessment and Planning Criteria. Introduction and Need for Assistance (30 points).

Provide an understanding of the LTC needs of the elderly in the Tribe or service area and identify the additional information needed for planning. The applicant should use the best data available, understanding that, for most programs, many of these data elements will not be available or be poor in quality and that improved data for future planning will be an outcome of this grant-funded project. Data that is not available should be noted as such and addressed in the B. Work Plan (below). Identify all information sources.

(1) Currently available information for use in planning and service development:

a. Currently available information regarding population and need for services;

i. Demographics of the population and assessment of LTC needs on a population basis;

ii. Geographic and social factors, including availability of caregivers;

iii. Cultural and religious values regarding care of the elder for the population(s) to be served, and;

iv. Elder preferences for type, structure, and setting of services.

b. Currently available information regarding existing services and resources for long term care:

i. Availability and organization of existing aging and LTC services, including services available to Tribal or community members provided by non-Tribal/non-AI/AN organization programs;

ii. Availability and organization of health services for the elderly, including Native healing systems;

iii. Assessment of the capacity of available LTC services to support care provided ''in the most integrated setting appropriate to the needs of qualified individuals with disabilities'' (Olmstead vs. L.C), and;

iv. Assessment of caregiver workforce.

c. Funding streams currently paying for LTC services.

d. Current collaborations in program development or service delivery.

(2) Current vision for LTC system/services and priorities for development.

(3) Elder care assessment and planning activities within the past 10 years.

a. Funding sources.

b. Dates of funding.

c. Summary of project accomplishments.

d. How do they relate to the current proposal?

Copies of reports will not be accepted.

(4) Unmet need for LTC services.

(5) Identify the information needed for planning and service implementation which is not currently available.

(6) Summarize relevant national, IHS, or state standards, laws and regulations and Tribal codes.

B. Work Plan (40 points)

This section should demonstrate the soundness and effectiveness of the applicant's proposal. The work plan should be designed to produce as an end product the readiness to develop LTC service(s) and should include all information not already available. The following is an, for example of information to be developed through the workplan:

• Demographic assessment of the population and assessment of LTC needs on a population basis.

➢ Population distribution. Number of elderly of different age and gender groups in the population.

➢ Rates of functional impairment and numbers of elders with need for assistance in activities of daily living in adequate detail to project need for services.

• Assessment of relevant geographic and social factors, including availability of caregivers.

• Assessment of cultural and religious values regarding care of the elder for the population(s) to be served.

• Assessment of elder preferences for type, structure, and setting of services.

• Evaluation of existing services and resources for LTC, including:

➢ Availability and organization of existing aging and LTC services, including those services available to Tribal or community members provided by organizations or programs that are not Tribal or AI/AN organizations.

➢ Availability and organization of health services for the elderly, including Native healing systems.

➢ Capacity of existing LTC services to support care provided ''in the most integrated setting appropriate to the needs of qualified individuals with disabilities'' (Olmstead vs. L.C).

• Assessment of caregiver workforce needs, including:

➢ Availability of potential caregivers (formal and informal).

➢ Training needs for formal and informal caregivers.

➢ Identification of potential funding sources for LTC services.

➢ Program development.

➢ Cost of ongoing service delivery.

➢ Identification of potential partners.

➢ Development of a comprehensive vision for LTC system/services based on the information above, with priorities for implementation and relevant feasibility/business plans. (For an example of the information needed to demonstrates readiness to develop LTC service(s), see A INTRODUCTION AND NEED FOR ASSISTANCE in the Project TypeCategory II Implementation criteria).

Note that attendance and presentation at the annual AI/AN LTC Conference is a requirement of the grant and should be included as an activity in the work plan.

(1) State the proposed assessment or planning process.

(2) List the objectives clearly.

a. Identify the data elements needed.

b. Indicate the function of each data element in the plan.

(3) Describe the approach to the project.

a. Tasks.

b. Resources needed to implement and complete the project.

c. Timeline.

d. Specialized technical resources for data collection or analysis.

e. Training needs.

(4) Include in work plan attendance and presentation at the annual AI/AN LTC Conference.

(5) Identify the final product of the assessment/plan and the strategy for dissemination.

(6) Submit a work plan in the appendix which includes the following information:

a. Action steps on a time line for implementation of the work plan.

b. Identify who will perform the action steps.

c. Identify who will supervise the action steps.

d. Identify who will accept and/or approve work products at the end of the proposed project.

e. Include any additional training that will take place during the proposed project, who will conduct the training and who will be attending the training.

f. If consultants or contractors will be used during the proposed project, please include the following information in their position description and scope of work (or note if consultants/contractors will not be used):

i. Educational requirements.

ii. Desired qualifications and work experience.

iii. Expected work products.

iv. Contractor's supervisor.

v. Resume and letter of commitment in the appendix if a potential consultant/contractor has already been identified.

C. Project Evaluation (10 points).

This Section should show how progress on this project will be accessed and how the success of this project will be judged.

(1) Specifically list and describe the outcomes by which this project will be evaluated.

(2) Identify the evaluator and/or the individual with responsibility for the evaluation (need not be an outside evaluator).

(3) Each proposed project objective and task of the work plan should be able to be evaluated and the evaluation activities should appear on the work plan.

D. Organizational Capabilities And Qualifications (10 points).

This section outlines the broader capacity of the Tribe, Tribal organization, or Urban health program to complete the project outlined in the work plan. It includes the identification of personnel responsible for completing tasks and chain of responsibility for successful completion of the project outlined in the work plan.

(1) Describe the organizational structure of the Tribe/Tribal organization beyond health care activities.

(2) If management systems are already in place, simply note it. (A copy of the 25 CFR part 900, subpart F, is available in the ECILTC application package.)

(3) Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other grants and projects successfully completed.

(4) Describe what equipment (*i.e.*, fax machine, phone, computer, etc.) and facility space (*i.e.*, office space) will be available for use during the proposed project. Include information about any equipment not currently available that will be purchased through the grant.

(5) List key personnel who will work on the project.

a. Identify existing personnel and new program staff to be hired.

b. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications experience, requirements related to the proposed project and how they will be supervised. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities and who will determine if the work of a contractor is acceptable.

c. Note who will be writing the progress report.

d. If a position is to be filled, indicate that information on the proposed position description.

e. If the project requires additional personnel beyond those covered by the grant funds, (*i.e.*, IT support, volunteers, interviewers, etc.), note these and address how these positions will be filled and, if funds are required, the source of these funds.

f. If personnel are to be only partially funded by this grant, indicate the percentage of time to be allocated to this project and identify the resources used to fund the remainder of the individual's salary.

E. Categorical Budget and Budget Justification (10 points).

This section should provide a clear estimate of the project program costs and justification for expenses for the entire grant period. The budget and budget justification should be consistent with the tasks identified in the work plan.

(1) Categorical budget (Form SF 424A, Budget Information Non-Construction Programs) completing each of the budget periods requested.

(2) Narrative justification for all costs, explaining why each line item is necessary or relevant to the proposed project. Include sufficient details to facilitate the determination of cost allowability.

(3) Indication of any special start-up costs.

(4) Budget justification should include a brief program narrative for the second year.

(5) If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

Project Type Category II Program Implementation Criteria

A. Introduction and Need for Assistance (35 points).

Provide an understanding of current need for and availability of long term care services for the elderly in the Tribe or service area. Demonstrate the necessary assessment and planning to successfully implement new service(s) and show that the services fit within a comprehensive vision or plan for elder care. If significant elements listed below are not available, programs should consider applying for Category I funding to support the assessment and planning activities necessary for successful program development.

(1) Demographic assessment of the population and assessment of LTC needs on a population basis.

a. Population distribution. Number of elderly of different age and gender groups in the population.

b. Rates of functional impairment and numbers of elders with need for assistance in activities in daily living with adequate detail to project need for services.

(2) Geographic and social factors that affect access to services and availability of caregivers.

a. Rural vs. urban; population density.

b. Family structure and organization.

(3) Assessment of cultural and religious values regarding care of the elder for the population(s) to be served.

(4) Assessment of elder preferences for type, structure, and setting of services.

(5) Evaluation of existing services and resources for LTC.

a. Availability and organization of existing aging and LTC services. Include services available to Tribal or community members provided by programs or organizations that are not Tribal or AI/AN organizations.

b. Availability and organization of health services for the elderly, including Native healing systems.

c. Capacity of existing LTC services to support care provided ''in the most integrated setting appropriate to the needs of qualified individuals with disabilities'' (Olmstead vs. L.C.).

(6) Assessment of caregiver workforce.

a. Availability of potential caregivers (formal and informal).

b. Training resources for formal and informal caregivers.

(7) Identification of potential resources for new LTC service.

a. Funding for program development.

b. Funding for ongoing service delivery.

c. Potential partners in program development.

(8) Relevant Federal, IHS, Tribal and/or state standards, laws and regulations and codes and relevant licensure or certification requirements.

(9) A comprehensive vision or plan for LTC system/services which incorporates the information above and identifies priorities for implementation.

(10) Unmet need for LTC services.

B. Work Plan (35 points).

This section should demonstrate the soundness and effectiveness of the applicant's proposal. This includes both the work plan for program implementation and the underlying plan or strategy for sustainability of the service(s) past the point of grant support. Note that attendance and presentation at the annual AI/AN LTC Conference is a requirement of the grant and should be included as an activity in the work plan.

(1) Identify the LTC service(s) to be implemented and show how it:

a. Integrates with existing LTC and health services.

b. Is Show how it is consistent with the results of the assessment/planning process described above (Introduction and Need for Assistance).

(2) Summarize the business plan or plan for self-sufficiency and sustainability, including:

a. Funding stream(s) to support ongoing services.

b. Clearly indicate whether the program will be self-supporting (and if so, when) or not. If not self-supporting, what will be the source of additional revenue for services?

c. Time line with projections for client recruitment, expected revenue and shortfalls, resources for funds needed to bridge between onset of services and collection of reimbursement, etc.

d. Licensure or certification requirements.

e. If Tribal revenue is expected to pay in part or in whole for services, indicate this. A letter from the Tribal Council or administration indicating that these funds have been budgeted for this purpose should be included in the appendix.

(3) Describe the approach to implementation.

a. Tasks.

b. Resources needed to implement and complete the project.

c. Time line for implementation.

d. Specialized technical resources.

e. Training needs.

i. Include in work plan attendance and presentation at the annual AI/AN LTC Conference.

f. Consultation needs (if any).

(4) Include a detailed work plan in the appendix, containing the following information:

a. Action steps on a time line for implementation of the work plan.

b. Identify who will perform the action steps.

c. Identify who will supervise the action steps.

d. Identify who will accept and/or approve work products at the end of the proposed project.

e. Include any additional training that will take place during the proposed project,

f. If consultants or contractors will be used during the proposed project, please include the following information in their position description and scope of work (or note if consultants/contractors will not be used):

i. Educational requirements.

ii. Desired qualifications and work experience.

iii. Expected work products.

iv. Who will supervise the contractor.

v. If a potential consultant/contractor has already been identified, please include a resume and letter of commitment in the appendix.

(5) Include a detailed business plan in the appendix, containing the following information:

a. Time line with detailed expense and revenue projections.

b. Time line with client recruitment projections.

c. Time line with licensure or certification requirements and tasks.

d. Identification of shortfall funding during implementation with documentation of the availability of budgeted funds to support the program until it is self-sustaining (if applicable).

C. Project Evaluation (10 points).

This section should show how progress on this project will be assessed and how the success of this project will be judged.

(1) Specifically list and describe the outcomes by which this project will be evaluated.

(2) Identify the evaluator and/or the individual with responsibility for the evaluation (need not be an outside evaluator).

(3) Each proposed project objective and task of the work plan should be able to be evaluated and the evaluation activities should appear on the work plan.

D. Organizational Capabilities and Qualifications (10 points).

This section outlines the broader capacity of the Tribe, Tribal organization, or urban health program to complete the project outlined in the work plan. It includes the identification of personnel responsible for completing tasks and chain of responsibility for successful completion of the project outlined in the workplan.

(1) Describe the organizational structure of the Tribe/Tribal organization beyond health care activities.

(2) If management systems are already in place, simply note it. (A copy of the 25 CFR part 900, subpart F, is available in the ECILTC application package.)

(3) Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other grants and projects successfully completed.

(4) Describe what equipment (*i.e.*, fax machine, phone, computer, etc.) and facility space (*i.e.*, office space) will be available for use during the proposed project. Include information about any equipment not currently available that will be purchased through the grant.

(5) List key personnel who will work on the project.

a. Identify existing personnel and new program staff to be hired.

b. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications experience, requirements related to the proposed project and how they will be supervised. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities and who will determine if the work of a contractor is acceptable.

c. Note who will be writing the progress report.

d. If a position is to be filled, indicate that information on the proposed position description.

e. If the project requires additional personnel beyond those covered by the grant funds, (*i.e.*, IT support, volunteers, interviewers, etc.), note these and address how these positions will be filled and, if funds are required, the source of these funds.

f. If personnel are to be only partially funded by this grant, indicate the percentage of time to be allocated to this project and identify the resources used to fund the remainder of the individual's salary.

E. Categorical Budget and Budget Justification (10 points).

This section should provide a clear estimate of the project program costs and justification for expenses for the entire grant period. The budget and budget justification should be consistent with the tasks identified in the workplan.

(1) Categorical budget (Form SF 424A, Budget Information Non-Construction Programs) completing each of the budget periods requested.

(2) Narrative justification for all costs, explaining why each line item is necessary or relevant to the proposed project. Include sufficient details to facilitate the determination of cost allowability.

(3) Indication of any special start-up costs.

(4) Budget justification should include a brief program narrative for the second year.

(5) If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

2. Review and Selection Process

In addition to the above criteria/requirements, applications are considered according to the following:

A. Letter of Intent Submission deadline: May 12, 2006.

B. Application Submission deadline: June 5, 2006. Applications submitted in advance of or by the deadline and verified by the postmark will undergo a preliminary review to determine that:

(1) The applicant and proposed project type is eligible in accordance with this grant announcement.

(2) The application is not a duplication of a previously funded project.

(3) The application narrative, forms, and materials submitted meet the requirements of the announcement allowing the review panel to undertake an in-depth evaluation; otherwise, it may be returned.

C. Competitive Review of Eligible Applications Objective Review: June 19–30, 2006.

Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by the Ad Hoc Objective Review Committee (ORC) appointed by the IHS to review and make recommendations on these applications. Prior to ORC review, the applications will be screened to determine that services and programs proposed are those which the

IHS has the authority to provide, either directly or through funding agreement, and that those services and programs are designed for the benefit of IHS beneficiaries. Applications not meeting these requirements will not be reviewed. The ORC review will be conducted in accordance with the IHS Objective Review Guidelines. The technical review process ensures selection of quality projects in a national competition for limited funding. Applications will be evaluated and rated on the basis of the evaluation criteria listed in Section V.1. and V.2. The criteria are used to evaluate the quality of a proposed project, determine the likelihood of success, and assign a numerical score to each application. The scoring of approved applications will assist the IHS in determining which proposals will be funded if the amount of funding is not sufficient to support all approved applications. Applications recommended for approval, having a score of 60 or above by the ORC and scored high enough to be considered for funding, are ranked. Additional considerations in final ranking include: geographic diversity among funded programs, diversity in population size among Tribes and communities served by funded programs, and unique features with regard to type of program planned or population served. Applications scoring below 60 points will be disapproved and returned to the applicant. Applications that are approved but not funded will not be carried over into the next cycle for funding consideration.

3. Anticipated Announcement and Award Dates

Anticipated announcement date: July 10–14, 2006.

Award date: August 1, 2006.

VI. Award Administration Information

1. Award Notices

Federal Assistance Award (FAA) will be initiated by the Division of Grants Operations and will notify the contact person identified on each proposal of the results in writing via postal mail. Applicants whose applications are declared ineligible will receive written notification of the ineligibility determination and their original grant application via postal mail. The ineligible notification will include information regarding the rationale for the ineligible decision citing specific information from the original grant application. Applicants who are approved but unfunded and disapproved will receive a copy of the Executive Summary which identifies the weaknesses and strengths of the application submitted. Applicants which are approved and funded will be notified through the official FAA document. The FAA will serve as the official notification of a grant award and will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period. Any other correspondence announcing to the Applicant's Project Director that an application was recommended for approval is not an authorization to begin performance. Pre-award costs are not allowable pending prior approval from the awarding agency.

2. Administrative and National Policy Requirements Grants Are Administered in Accordance With the Following Documents:

A. This cooperative agreement.

B. 45 CFR part 92, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Tribal Governments'', or 45 CFR part 74, ''Uniform Administration Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other NonProfit Organizations, and Commercial Organizations''.

C. Public Health Service Grants Policy Statement.

D. Appropriate Cost Principles: OMB Circular A–87, ''State, Local, and Indian Tribal Governments,'' or OMB Circular A–122, ''NonProfit Organizations''.

E. OMB Circular A–133, ''Audits of States, Local Governments, and NonProfit Organizations''.

F. Other Applicable OMB circulars.

3. Reporting

A. Program progress reports are required within 30 days of the completion of the semi-annual report (commencing with the award date). These reports will include a brief comparison of actual accomplishments to the goals established for the period, reasons for slippage (if applicable), and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period (at the end of each year of funding).

B. Financial Status Reports must be submitted within 30 days of the semi-annual report (commencing with the award date). Final financial status reports are due within 90 days of expiration of the budget/project period (at the end of each year of funding). Standard Form 269 (long form) will be used for financial reporting.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.

VII. Agency Contact(s)

For program-related information regarding the IHS Elder Care Initiative: Bruce Finke, MD, Nashville Area Elder Health Consultant, 45 Vernon Street, Northampton, MA 01060. (413) 584–0790. *bruce.finke@ihs.gov*.

For general information regarding this announcement: Ms. Orie Platero, Office of Clinical and Preventive Services (OCPS), Indian Health Service, 801 Thompson Avenue, Suite 326, Rockville, Maryland 20852. (301) 443–2522.

For specific grant-related and business management information: Ms. Martha Redhouse, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP Suite 360, Rockville, Maryland 20852. (301) 443–5204.

VIII. Other Information

The Department of Health and Human Services (HHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a HHS led activity for setting priority areas. This project will aid the accomplishment of Healthy People 2010 Focus Area 1—Access. Specifically, it will aid the accomplishment of objective 1–15, ''Increase the proportion of persons with long-term care needs who have access to the continuum of long-term care services.'' Potential applicants may obtain a printed copy of Healthy People 2010, (Summary Report No, 017–001–00549–5) or CD–ROM, Stock No. 017–001–00549–5, through the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7945, (202) 512–1800. You may also access this information at the following Web site: *http://www.healthypeople.gov/Publications*.

The IHS is focusing efforts on three Health Initiatives that, linked together,

have the potential to achieve positive improvements in the health of American Indian and Alaska Native people. These three initiatives are Health Promotion/Disease Prevention, Management of Chronic Disease, and Behavioral Health. Further information is available at the Health Initiatives Web site: *http://www.ihs.gov/NonMedicalPrograms/DirInitiatives/index.cfm*.

Dated: April 10, 2006.

Robert G. McSwain,

Deputy Director, Indian Health Service.

[FR Doc. E6–5608 Filed 4–14–06; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Proposed Project: Projects for Assistance in Transition From Homelessness (PATH) Program Annual Report (OMB No. 0930–0205)—Revision

The Center for Mental Health Services awards grants each fiscal year to each of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands from allotments authorized under the PATH program established by Public Law 101–645, 42 U.S.C. 290cc–21 *et seq.*, the Stewart B. McKinney Homeless Assistance Amendments Act of 1990 (section 521 *et seq.* of the Public Health Service (PHS) Act). Section 522 of the PHS Act requires that the grantee States and Territories must expend their payments under the Act solely for making grants to political subdivisions of the State, and to non-profit private entities (including community-based veterans organizations and other community organizations) for the purpose of providing services specified in the Act. Available funding is allotted in accordance with the formula provision of section 524 of the PHS Act.

This submission is for a revision of the current approval of the annual grantee reporting requirements. Section 528 of the PHS Act specifies that not later than January 31 of each fiscal year, a funded entity will prepare and submit a report in such form and containing such information as is determined necessary for securing a record and description of the purposes for which amounts received under section 521 were expended during the preceding fiscal year and of the recipients of such amounts and determining whether such amounts were expended in accordance with statutory provisions.

The estimated annual burden for these reporting requirements is summarized in the table below.

Respondents	Number of respondents	Responses per respondent	Burden per response (Hrs.)	Total burden
States	56	1	8	448
Local provider agencies	450	1	31	13,950
Totals	506			14,398

Written comments and recommendations concerning the proposed information collection should be sent by May 17, 2006 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: April 10, 2006.

Anna Marsh,

Director, Office of Program Services.

[FR Doc. E6–5638 Filed 4–14–06; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the 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.

Proposed Project: Opioid Drugs in Maintenance and Detoxification Treatment of Opioid Dependence—42 CFR part 8 (OMB No. 0930–0206)—Extension

This regulation establishes a certification program managed by SAMHSA's Center for Substance Abuse Treatment (CSAT). The regulation requires that Opioid Treatment Programs (OTPs) be certified. ''Certification'' is the process by which SAMHSA determines that an OTP is qualified to provide opioid treatment under the Federal opioid treatment standards established by the Secretary of Health and Human Services. To become certified, an OTP must be

accredited by a SAMHSA-approved accreditation body. The regulation also provides standards for such services as individualized treatment planning, increased medical supervision, and assessment of patient outcomes. This submission seeks continued approval of the information collection requirements in the regulation and of the forms used in implementing the regulation.

SAMHSA currently has approval for the Application for Certification to Use Opioid Drugs in a Treatment Program Under 42 CFR 8.11 (Form SMA–162); the Application for Approval as Accreditation Body Under 42 CFR 8.3(b) (Form SMA–163); and the Exception Request and Record of Justification Under 42 CFR 8.12 (Form SMA–168), which may be used on a voluntary basis by physicians when there is a patient care situation in which the physician must make a treatment decision that differs from the treatment regimen required by the regulation. Form SMA–162 is used as the initial application to request certification of an OTP, to request renewal of certification and to change existing information regarding the program's location, sponsor and medical director. This form collects information such as address, program name, contact information, sponsor name and address and medical director name and address. Attachments are required to complete this form regarding the OTPs accrediting status, organizational structure, and operating procedures. Form SMA–163 is used as an application to become a SAMHSA approved accrediting body. This form collects accrediting body name, address and contact information. Attachments are required to complete this form regarding the accrediting body's operating procedures and standards and their staff's education and experience. Form SMA–168 is a simplified, standardized form to facilitate the documentation, request, and approval process for exceptions. This form collects patient admission date, dosage amount, patient status, attendance schedule per week, dates of exception and justification.

The tables that follow summarize the annual reporting burden associated with the regulation, including burden associated with the forms.

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR ACCREDITATION BODIES

42 CFR citation	Purpose	Number of respondents	Responses/respondent	Hours/response	Total hours
8.3(b)(1–11)	Initial approval (SMA–163)	1	1	6.0	6
8.3(c)	Renewal of approval (SMA–163)	2	1	1.0	2
8.3(e)	Relinquishment notification	1	1	0.5	0.5
8.3(f)(2)	Non-renewal notification to accredited OTPs	1	90	0.1	9
8.4(b)(1)(ii)	Notification to SAMHSA for seriously noncompliant OTPs.	2	2	1.0	4
8.4(b)(1)(iii)	Notification to OTP for serious noncompliance	2	10	1.0	20
8.4(d)(1)	General documents and information to SAMHSA upon request.	6	5	0.5	15
8.4(d)(2)	Accreditation survey to SAMHSA upon request	6	75	0.02	9
8.4(d)(3)	List of surveys, surveyors to SAMHSA upon request	6	6	0.2	7.2
8.4(d)(4)	Report of less than full accreditation to SAMHSA	6	5	0.5	15
8.4(d)(5)	Summaries of Inspections	6	50	0.5	150
8.4(e)	Notifications of Complaints	6	6	0.5	18
8.6(a)(2) and (b)(3).	Revocation notification to Accredited OTPs	1	185	0.3	55.5
8.6(b)	Submission of 90-day corrective plan to SAMHSA	1	1	10	10.0
8.6(b)(1)	Notification to accredited OTPs of Probationary Status	1	185	0.3	55.0
Total		6			376.2

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR OPIOID TREATMENT PROGRAMS

42 CFR citation	Purpose	Number of respondents	Responses/respondent	Hours/response	Total hours
8.11(b)	Renewal of approval (SMA–162)	370	1	0.30	111.00
8.11(b)	Relocation of Program (SMA–162)	35	1	1.17	40.95
8.11(e)(1)	Application for provisional certification	40	1	1	40.00
8.11(e)(2)	Application for extension of provisional certification	30	1	0.25	7.50
8.11(f)(5)	Notification of sponsor or medical director change (SMA–162).	60	1	0.1	6.00
8.11(g)(2)	Documentation to SAMHSA for interim maintenance	1	1	1	1.00
8.11(h)	Request to SAMHSA for Exception from 8.11 and 8.12 (including SMA–168).	1150	30	0.07	2415.00
8.11(i)(1)	Notification to SAMHSA Before Establishing Medication Units (SMA–162).	10	1	0.25	2.5
8.12(j)(2)	Notification to State Health Officer When Patient Begins Interim Maintenance.	1	20	0.33	6.6
8.24	Contents of Appellant Request for Review of Suspension.	2	1	0.25	.50
8.25(a)	Informal Review Request	2	1	1.00	2.00
8.26(a)	Appellant's Review File and Written Statement	2	1	5.00	10.00
8.28(a)	Appellant's Request for Expedited Review	2	1	1.00	2.00
8.28(c)	Appellant Review File and Written Statement	2	1	5.00	10.00
Total		1,150			2655.05

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7–1044, One Choke Cherry Road, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 10, 2006.

Anna Marsh,

Director, Office of Program Services.

[FR Doc. E6–5644 Filed 4–14–06; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Statement of Organization, Functions, and Delegations of Authority

Part M of the Substance Abuse and Mental Health Services Administration (SAMHSA) Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services at 70 FR 30961–30962, May 31, 2005, is amended to reflect changes of the functional statements for the Center for Substance Abuse Prevention (CSAP). This amendment is necessary to reflect the restructuring of CSAP, including the abolishment of three current CSAP divisions, (Division of State and Community Assistance (DSCA), Division of Knowledge Application and Systems Improvement (DKASI), and Division of Prevention Education (DPE)), and replacing them with three new divisions, Division of State Programs, Division of Community Programs, and Division of Systems Development, and replacing the functional statement for the Division of Workplace Programs (MPE). The proposed restructuring will have a significant and positive impact on organizational effectiveness. These changes will enhance program accountability; provide more clarity and direction for CSAP staff, and promote achievement of crosscutting prevention objectives and flexibility. The changes are as follows:

Section M.20, Functions is amended as follows:

(A) The functional statements for the Center of Substance Abuse Prevention (MP), Office of the Director (MP–1), Office of Program Analysis and Coordination (MPA), Division of State and Community Assistance (DSCA), Division of Knowledge Application and Systems Improvement (DKASI), Division of Prevention Education (DPE) and the Division of Workplace are replaced with the following:

Center for Substance Abuse Prevention (MP)

The mission of the Center for Substance Abuse Prevention (CSAP) is to build resiliency and facilitate recovery. CSAP provides national leadership in the development of policies, programs and services to prevent the onset of illegal drug, underage alcohol, and tobacco use. CSAP disseminates effective substance abuse prevention practices and builds the capacity of States, communities and other organizations to apply prevention knowledge effectively. An integrated systems approach is used to coordinate these activities and collaborate with other Federal, State, public and private organizations.

Office of the Director (MP1)

(1) Provides leadership, coordination, and direction in the development and implementation of CSAP goals and priorities, and serves as the focal point for the Department's efforts on substance abuse and HIV/AIDS prevention; (2) plans, directs, and provides overall administration of the programs and activities of CSAP; (3) provides leadership in the identification of new and emerging issues, and the integration of primary prevention, early intervention, re-entry and relapse prevention, knowledge and information in the major CSAP programs; (4) manages special projects and external liaison activities; and (5) directs CSAP's overall human resource activities and monitors the conduct of equal employment opportunity activities for CSAP.

Office of Program Analysis and Coordination (MPA)

(1) Supports the Center's implementation of programs and policies by providing guidance in the administration, analysis, planning, and coordination of the Center's programs, consistent with agency priorities; (2) manages the Center's participation in the agency's policy, planning, budget formulation and execution, program development and clearance, and internal and external requests, including strategic planning, identification of program priorities, development of Healthy People 2010, and other agency-wide and departmental planning activities; (3) provides support for the Center Director; coordinates staff development activities, analyzes the impact of proposed legislation and rule-making; supports administrative functions, including human resource actions; conducts special studies; serves as liaison for special populations/initiatives including White House Executive Orders for specific minority populations; (4) manages CSAP's National Advisory Council activities; and (5) coordinates CSAP's evaluation program.

Division of State Programs (MPJ)

The Division of State Programs is responsible for carrying out the Center's agenda to increase capacity and improve accessibility of effective substance abuse prevention across States, American Indian/Alaska Native Tribes, and tribal organizations. The Division provides most program services through two regional teams. The Division (1) plans, develops and administers programs to implement comprehensive and effective State substance abuse prevention systems and other related health promotion systems; (2) promotes and establishes comprehensive, long-term State and tribal substance abuse prevention/intervention policies, programs, practices, and support activities to address substance abuse and related emerging issues; (3) administers the prevention set-aside of the Substance Abuse Prevention and Treatment (SAPT) Block Grant; (4) collaborates with other units in the application of SAMHSA's Strategic Prevention Framework with States and Tribes; (5) develops funding announcements, ensures coordination with grant management systems, and administers national discretionary grant programs, such as the Strategic Prevention Framework State Incentive grant (SPF SIG) program; (6) administers the Synar regulations governing youth access to tobacco products; (7) works across CSAP and SAMHSA to promote inter/intra-agency collaboration at the Federal, State and tribal levels; serves as the liaison for CSAP interactions with State agency and National Prevention Network officials on State issues; monitors State progress in achieving National Outcome Measures and plans for associated technical assistance; monitors compliance with Block Grant and other Federal requirements.

Division of Community Programs (MPH)

The Division of Community Programs is responsible for carrying out the Center's agenda to increase capacity and improve accessibility of effective substance abuse prevention services across communities. This includes management of all CSAP grants targeted to communities and non-profit organizations, such as Drug Free Communities, HIV/AIDS, methamphetamine, and conference grants. The Division is organized into

three branches with responsibility to (1) plan, develop, and administer programs of regional and national significance to enhance comprehensive and effective community substance abuse prevention systems, including disaster relief programs; (2) promote and establish comprehensive substance abuse prevention/intervention policies, programs, practices, and support services to address substance abuse and emerging issues; (3) collaborate with other units in the application of SAMHSA's Strategic Prevention Framework in community prevention systems; (4) develop funding announcements, ensure coordination with grant management systems, and administer discretionary grant programs; (5) work across SAMHSA to promote interagency collaboration; (6) monitor grantee and contractor progress in achieving National Outcome Measures, and plan associated technical assistance; and (7) monitor compliance with all Federal requirements.

Division of Systems Development (MPI)

The Division of Systems Development provides leadership and guidance in the planning, development, and implementation of programs and prevention concepts across the Center, and is responsible for carrying out the Center's health promotion and public education activities. The Division's responsibilities include (1) promotion and implementation of key prevention concepts across all programs and activities of the Center, including the Strategic Prevention Framework, project sustainability, and coordination/integration of community and State programs; (2) management of technical assistance contracts that support all of the Center's prevention programs; (3) coordination of CSAP's GPRA and National Outcome Measure activities, including liaison with offices responsible for data collection; (4) analysis of data related to program operations and assistance to other CSAP components in employing data to improve program performance; (5) analysis, development, and integration of information, including evidence-based practices and NREPP programs, necessary to improve State and community prevention service delivery; (6) leadership within SAMHSA in the development, training and use of geographic information system (GIS) resources to improve policy development and program operations; (7) collaboration with Federal, State, and local governments to promote the adoption of evidence-based prevention programs and practices and develop innovative strategies to address emerging substance abuse issues; (8) initiation, development, and coordination of efforts to support workforce development for substance abuse prevention professionals; (9) leadership to the Center in the development of health promotion and education products, materials, messages, publications, and information technologies; (10) collaboration with other Federal and private sector prevention initiatives in developing and disseminating targeted prevention material, including the SAMHSA Office of Communications; (11) development and continual update of prevention material for use by external prevention partners.

Division of Workplace Programs (MPE)

(1) Establishes goals and objectives in the administration of a national program designed to promote substance abuse free workplaces; (2) provides leadership and oversight to assure that effective employee assistance programs are developed and evaluated to prevent substance abuse in the workplace; (3) develops, implements, and evaluates employee education/prevention programs, access to counseling, early intervention, and referral treatment/rehabilitation, and support services for employees following treatment/rehabilitation; (4) advises, coordinates, and certifies activities related to the implementation and administration of federal drug free workplace programs, convenes the Drug Testing Advisory Board, and conducts surveys on federal programs; (5) advises other SAMHSA components and HHS regarding workplace programmatic directions and actions and enters into collaborative arrangements with other federal agencies; (6) collaborates in the development and implementation of substance abuse prevention and early intervention strategies for public/private sector use at the State and community levels, and operates the Workplace Hotline Contract as a means for dissemination, outreach and technical assistance to businesses, States and communities; (7) provides technical assistance to facilitate national training and certification programs for substance abuse professionals and practitioners, provides staff expertise in training and credentialing standards for medical review officers (MROs) and the Department of Transportation mandated substance abuse professionals; (8) provides leadership within SAMHSA and the field in developing and disseminating knowledge in workplace violence related to substance abuse, including risk factors in the workplace and community and the role of the workplace as a substance abuse and violence prevention agent within the community and family; and (9) evaluates managed care and other treatment provider practices as they are applied in the workplace.

Delegations of Authority

All delegations and redelegations of authority to officers and employees of SAMHSA which were in effect immediately prior to the effective date of this reorganization shall continue in effect pending further redelegations, providing they are consistent with the reorganization.

These organizational changes are effective March 7, 2006.

Charles G. Curie,

Administrator.

[FR Doc. E6–5694 Filed 4–14–06; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[CGD17–06–003]

Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) Charter Renewal

AGENCY: Coast Guard, DHS.

ACTION: Notice of Recertification.

SUMMARY: Under the Oil Terminal and Tanker Environmental Oversight Act of 1990, the Coast Guard may certify on an annual basis, an alternative voluntary advisory group in lieu of a regional citizens' advisory council for Prince William Sound, Alaska. This certification allows the PWSRCAC to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the alternative voluntary advisory group for Prince William Sound, Alaska.

DATES: This recertification is effective for the period from March 24, 2006 through February 28, 2007.

FOR FURTHER INFORMATION CONTACT: LCDR Matt Jones, Seventeenth Coast Guard District, Prevention Division, by phone at (907)463–2809, or by mail at P.O. Box 25517; Juneau, Alaska 99802.

SUPPLEMENTARY INFORMATION:

Background and Purpose

As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990

(the Act), 33 U.S.C. 2732, to foster a long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals and oil tankers.

On October 18, 1991, the President delegated his authority under 33 U.S.C 2732(o) to the Secretary of Transportation in Executive Order 12777, section 8(g) (see 56 FR 54757; October 22, 1991) for purposes of certifying advisory councils, or groups, subject to the Act. On March 3, 1992, the Secretary redelegated that authority to the Commandant of the USCG (see 57 FR 8582; March 11, 1992). The Commandant redelegated that authority to the Chief, Office of Marine Safety, Security and Environmental Protection (G-M) on March 19, 1992 (letter #5402).

On July 7, 1993, the USCG published a policy statement, 58 FR 36504, to clarify the factors that shall be considered in making the determination as to whether advisory councils, or groups, should be certified in accordance with the Act.

The Assistant Commandant for Marine Safety and Environmental Protection (G-M), redelegated recertification authority for advisory councils, or groups, to the Commander, Seventeenth Coast Guard District on February 26, 1999 (letter #16450).

On September 16, 2002, the USCG published a policy statement, 67 FR 58440, that changed the recertification procedures such that applicants are required to provide the USCG with comprehensive information every three years (triennially). For each of the two years between the triennial application procedure, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is not solicited prior to recertification during streamlined years, only during the triennial comprehensive review.

Recertification

By letter dated March 2, 2006, the Commander, Seventeenth Coast Guard certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on February 28, 2007.

Dated: March 24, 2006.

James C. Olson,

Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.

[FR Doc. E6–5604 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2006–24443]

Ballast Water Reporting by Foreign-flag Vessels Bound for the Great Lakes.

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces this notice as clarification of the ballast water reporting requirements for foreign-flag vessels bound for the Great Lakes from outside the U.S. Exclusive Economic Zone (EEZ).

DATES: This notice is effective on April 17, 2006.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, contact LT Keith Donohue, Environmental Standards Division, Coast Guard, telephone 202–267–0500, e-mail: *kdonohue@comdt.uscg.mil*. If you have questions about viewing material on the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The reporting requirements of 33 CFR 151.2041 apply to all foreign-flag vessels with ballast water tanks that are bound for the Great Lakes, unless exempted by 33 CFR 151.2010 and 151.2015. Foreign-flag vessels do not include U.S. and Canadian-flag vessels. These requirements were amended by the final rule entitled ''Penalties for Non-Submission of Ballast Water Management Reports,'' published in the **Federal Register** on June 14, 2004. *See* 69 FR 32864. That final rule mandated that all foreign-flag vessels must provide the complete information required in 33 CFR 151.2045 when bound for the Great Lakes from beyond the EEZ, and gave these vessels two options for doing so.

The first option allows reports to be sent to the appropriate authority established in 33 CFR 151.2041(b)(1)(i) using the Coast Guard Ballast Water Reporting Form, OMB form Control No. 1625–0069.

As an alternative, 33 CFR 151.2041(b)(1)(ii) allows foreign-flag vessels to complete the ballast water information section of the St. Lawrence Seaway ''Pre-entry Information from Foreign Flagged Vessels Form'' and submit it in accordance with the applicable Seaway Notice. However, the Coast Guard highlights through this notice that, if this second option is used, the owners and operators of these vessels must still ensure they provide all the information required by 33 CFR 151.2045 to be in compliance with the ballast water reporting requirements. If the Pre-entry form used to make the applicable Seaway Notice does not provide ample space for all the information required by 33 CFR 151.2045, the information must still be provided. This can be accomplished either with an annotated version of the Pre-entry form or an accompanying Coast Guard Ballast Water Reporting Form. Also, if the information required by 33 CFR 151.2041 is submitted within the Seaway Notice 96 hours prior to arrival and the vessel's ballast information subsequently changes, an amended form must be submitted before the vessel departs the waters of the United States.

In addition, the Coast Guard published a Notice of Policy entitled ''Ballast Water Management for Vessels Entering the Great Lakes that Declare No Ballast Onboard'' in the **Federal Register** on August 31, 2005. *See* 70 FR 51831. The Coast Guard Ballast Water Reporting Form, with sections 4 and 5 properly completed, is the only means of documenting a vessel's implementation of the voluntary best management practices described in the August 31, 2005 Notice of Policy. *See* 70 FR 51831.

Finally, to further avoid confusion and reporting submission issues, the Coast Guard recommends each foreign-flag vessel that enters the Great Lakes from outside the EEZ should submit the required information using the Coast Guard Ballast Water Reporting Form to either the Coast Guard Captain of the Port Buffalo, Massena Detachment or the Saint Lawrence Seaway Development Corporation, at least 24 hours before the vessel arrives in Montreal, Quebec, in addition to the Pre-entry form required by the applicable Seaway Notice. The fax number for the Coast Guard Captain of the Port Buffalo, Massena Detachment is 315–769–5032, and the fax number for the Saint Lawrence Seaway Development Corporation is 315–764–3250.

Dated: April 5, 2006.

H.L. Hime,

Acting Director of Standards, Assistant Commandant for Prevention, U.S. Coast Guard.

[FR Doc. E6–5652 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1635–DR]

Missouri; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1635–DR), dated April 5, 2006, and related determinations.

DATES: Effective Date: April 5, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 5, 2006, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms, tornadoes, and flooding during the period of March 30 to April 3, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, as well as Hazard Mitigation throughout the State and any other forms of assistance under the Stafford Act you may deem appropriate, subject to completion of Preliminary Damage Assessments (PDAs), unless the incident is of such unusual severity and magnitude that PDAs are not required to determine the need for supplemental Federal assistance pursuant to 44 CFR 206.33(d).

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Director, Department of Homeland Security, under Executive Order 12148, as amended, Thomas J. Costello, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Missouri to have been affected adversely by this declared major disaster:

Pemiscot County for Individual Assistance.

Andrew, Pemiscot, and Pettis Counties for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program.

All counties within the State of Missouri are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(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, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household 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. E6–5664 Filed 4–14–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1634–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1634–DR), dated April 5, 2006, and related determinations.

EFFECTIVE DATE: April 5, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 5, 2006. the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from severe storms and tornadoes during the period of April 2–3, 2006, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate, subject to completion of Preliminary Damage Assessments (PDAs), unless you determine that the incident is of such unusual severity and magnitude that PDAs are not required to determine the need for supplemental Federal assistance pursuant to 44 CFR 206.33(d).

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Other Needs Assistance will be limited to 75 percent of the total eligible costs. If Public Assistance and Hazard Mitigation are later requested and warranted, Federal funding under these programs will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Director, Department of Homeland Security, under Executive Order 12148, as amended, Michael Karl, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have

been affected adversely by this declared major disaster: Dyer and Gibson Counties 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, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household 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. E6–5662 Filed 4–14–06; 8:45 am]

BILLING CODE 6718–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1634–DR]

Tennessee; 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 for the State of Tennessee (FEMA–1634–DR), dated April 5, 2006, and related determinations.

EFFECTIVE DATE: April 10, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this declared disaster is now April 2–8, 2006.

(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. E6–5663 Filed 4–14–06; 8:45 am]

BILLING CODE 6718–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–21]

Multifamily Building Conformance With the Fair Housing Accessibility Guidelines: Improving the Methodology

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.

The purpose of this information collection is to gather data on the degree to which buildings conform to Accessibility Guidelines of the Fair Housing Act. Interviews with building code officials, builders and architects will also be conducted to learn more about their understanding of the Requirements.

DATES: *Comments Due Date:* May 17, 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 (2528-Pending) 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: Multifamily Building Conformance with the Fair Housing Accessibility Guidelines: Improving the Methodology.

OMB Approval Number: 2528-Pending.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: The purpose of this information collection is to gather data on the degree to which buildings conform to Accessibility Guidelines of the Fair Housing Act. Interviews with building code officials, builders and architects will also be conducted to learn more about their understanding of the Requirements.

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	500	1		4.2		2,100

Total Estimated Burden Hours: 2,100.
Status: New Collection.

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. E6–5667 Filed 4–14–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5041–N–13]

Notice of Proposed Information Collection: Comment Request; Assisted Living Conversion Program (ALCP) and Emergency Capital Repair Program (ECRP)

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be 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.

DATES: *Comments Due Date:* June 16, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Lillian_Deitzer@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–3000, (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 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: Assisted Living Conversion Program (ALCP) and Emergency Capital Repair Program (ECRP).

OMB Control Number, if applicable: 2502–0542.

Description of the need for the information and proposed use: The information collection is a grant application and reporting forms for HUD's Assisted Living Conversion Program (ALCP) and Emergency Capital Repair Program (ECRP). HUD uses the applications to determine an applicant's need for and capacity to administer grant funds. The applicants are usually not-for-profit institutions. HUD will evaluate applications through the use of statutory and administratively designated selection criteria.

Agency form numbers, if applicable: HUD–50080–ALCP, HUD–50080–ECRP, HUD–92045, HUD–424B, HUD–424C, HUD–2530, HUD–2880, HUD–2990, HUD–2991, HUD–96010, HUD–27300, HUD–92046, and HUD–92047.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 2,390; the number of respondents is 90 generating approximately 585 annual responses; the frequency of response is quarterly, semi-annually, and annually; and the estimated time needed to prepare the response varies from 15 minutes to 16 hours.

Status of the proposed information collection: This is a revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 11, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing, Deputy Federal Housing Commissioner.

[FR Doc. E6–5668 Filed 4–14–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5041–N–11]

Notice of Proposed Information Collection: Comment Request; Single Family Property Disposition and Acquisition (Conveyance) of Mortgaged Properties

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be 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.

DATES: *Comments Due Date:* June 16, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or *Lilllian_Deitzer@hud.gov.*

FOR FURTHER INFORMATION CONTACT: James Everett, Office of Single Family Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–0614 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 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: Single Family Property Disposition and Acquisition (Conveyance) of Mortgaged Properties.

OMB Control Number, if applicable: 2502–0306.

Description of the need for the information and proposed use: HUD collects information to determine the condition of the property upon conveyance, to determine the results of the repair contracts, and to monitor the contractor's performance in maintaining the properties. The sales contracts will be used as binding contracts between the purchaser and HUD. In addition, HUD requires information regarding HUD-owned single family properties purchased by local governments through the $Home Sales Program. There are two new forms dealing with the disposition of HUD-owned properties that are financed with HUD's 203(k) program of rehabilitation.

Agency form numbers, if applicable: HUD–9516–A, HUD 9519, HUD–9519–A, HUD–9544, HUD–9548, HUD–9548–A, HUD–9548–B, HUD–9548–C, HUD–9548–D, HUD–9548–E, HUD–9548–F, HUD–9548–G, HUD–9548–H, HUD–9549, HUD–9549–A, HUD–9549–B, HUD–9549–C, HUD–9549–D, and HUD–9549–E.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of burden hours needed to prepare the information collection is 102,632 hours; the number of respondents is 13,735 generating approximately 348,439 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response varies from two minutes to one hour per response.

Status of the proposed information collection: This is a revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 11, 2006.

Frank L. Davis,

General Deputy Assistant Secretary for Housing, Deputy Federal Housing Commissioner.

[FR Doc. E6–5669 Filed 4–14–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–22]

Personal Financial and Credit Statement

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.

This information collection is used to conduct a credit investigation of the sponsor, mortgagor, and general contractor to evaluate the character, capital, and ability to develop, build, complete and maintain a multifamily project.

DATES: *Comments Due Date:* May 17, 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 (2502–0001) 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: Personal Financial and Credit Statement.

OMB Approval Number: 2502–0001.

Form Numbers: HUD–92417.

Description of the Need for the Information and its Proposed Use: This information collection is used to conduct a credit investigation of the sponsor, mortgagor, and general contractor to evaluate the character, capital, and ability to develop, build, complete, and maintain a multifamily project.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	2,000	1		8		16,000

Total Estimated Burden Hours: 16,000.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 12, 2006.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–5671 Filed 4–14–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Sport Fishing and Boating Partnership Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Fish and Wildlife Service announces a meeting designed to foster partnerships to enhance public awareness of the importance of aquatic resources and the social and economic benefits of recreational fishing and boating in the United States. This meeting, sponsored by the Sport Fishing and Boating Partnership Council (Council), is open to the public, and interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: The meeting will be held on Tuesday, April 25, 2006, from 9 a.m. to 3:30 p.m.

ADDRESSES: The meeting will be held at the Department of the Interior, Room 5160, 1849 C Street, NW., Washington, DC 20240; telephone (703) 358–2336.

Summary minutes of the conference will be maintained by the Council Coordinator at 4401 N. Fairfax Drive, MS–3101–AEA, Arlington, VA 22203, and will be available for public inspection during regular business hours within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, Council Coordinator, at (703) 358–2336.

SUPPLEMENTARY INFORMATION: The Sport Fishing and Boating Partnership Council was formed in January 1993 to advise the Secretary of the Interior, through the Director, U.S. Fish and Wildlife Service, about sport fishing and boating issues. The Council represents the interests of the public and private sectors of the sport fishing and boating communities and is organized to enhance partnerships among industry, constituency groups, and government. The 18-member Council includes the Director of the Service and the president of the International Association of Fish and Wildlife Agencies, who both serve in ex officio capacities. Other Council members are Directors from State agencies responsible for managing recreational fish and wildlife resources and individuals who represent the interests of saltwater and freshwater recreational fishing, recreational boating, the recreational fishing and boating industries, recreational fisheries resource conservation, aquatic resource outreach and education, and tourism. The Council will convene to discuss: (1) The Council's continuing role in providing input to the Fish and Wildlife Service on the Service's strategic plan for its Fisheries Program; (2) the Council's work on the National Fish Habitat Initiative as both a lead partner and its role as lead in building a Fish Habitat Partners Coalition; (3) the Council's work in its role as a facilitator of discussions with Federal and State agencies and other sport fishing and boating interests concerning a variety of national boating and fisheries management issues; (4) the Council's issues of strategic concern for its coming term and (5) the Council's role in providing the Interior Secretary with information about the implementation of the Strategic Plan for the National Outreach and Communications Program. The Interior Secretary approved the Strategic Plan in February 1999, as well as the five-year, $36-million federally funded outreach campaign authorized by the 1998 Sportfishing and Boating Safety Act that is now being implemented by the Recreational Boating and Fishing Foundation, a private, nonprofit organization.

Dated: March 29, 2006.

Kenneth Stansell,

Acting Director.

[FR Doc. 06–3640 Filed 4–14–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–910–06–0777–XX]

Notice of Public Meeting, New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management, New Mexico Resource Advisory Council (RAC), will meet as indicated below.

DATES: The Meeting dates are May 17–18, 2006, at The Lodge, 1 Corona Place, Cloudcroft, New Mexico. An optional field trip is planned for May 16, 2006. The public comment period is scheduled May 16, 2006, from 6–7 p.m. at The Lodge. The public may present written comments to the RAC. Depending on the number of individuals wishing to comment and time available, oral comments may be limited. The three established RAC working groups may have a late afternoon or an evening meeting.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in New Mexico. All meetings are open to the public. At this meeting, topics include issues on renewable and nonrenewable resources.

FOR FURTHER INFORMATION CONTACT: Theresa Herrera, New Mexico State Office, Office of External Affairs, Bureau of Land Management, P. O. Box 27115, Santa Fe, New Mexico 87502–0115, (505) 438–7517.

Dated: April 7, 2006.

Linda S.C. Rundell,

State Director.

[FR Doc. E6–5642 Filed 4–14–06; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Scientific Committee (SC); Announcement of Plenary Session

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The OCS Scientific Committee will meet at the Hotel Mar Monte in Santa Barbara, California.

DATES: Wednesday, May 10, 2006, from 8 a.m. to 5:30 p.m.; Thursday, May 11, 2006, from 8 a.m. to 5:30 p.m.; and Friday, May 12, 2006, 8:30 a.m. to 12:30 p.m.

ADDRESSES: Hotel Mar Monte, 1111 East Cabrillo Blvd., Santa Barbara, California 93103, telephone (805) 963–0744.

FOR FURTHER INFORMATION CONTACT: A copy of the agenda may be requested from MMS by calling Ms. Carolyn Beamer at (703) 787–1211. Other inquiries concerning the OCS SC meeting should be addressed to Dr. James Kendall, Executive Secretary to the OCS SC, Minerals Management Service, 381 Elden Street, Mail Stop 4043, Herndon, Virginia 20170–4817 or by calling (703) 787–1656.

SUPPLEMENTARY INFORMATION: The OCS SC will provide advice on the feasibility, appropriateness, and scientific value of the OCS Environmental Studies Program to the Secretary of the Interior through the Director of the MMS. The SC will review the relevance of the research and data being produced to meet MMS scientific information needs for decision making and may recommend changes in scope, direction, and emphasis.

The Committee will meet in plenary session on Wednesday, May 10. The Director will address the Committee on the general status of the MMS and its activities. There will be an update on OCS activities in the Pacific OCS Region, a briefing on the impacts of Hurricanes Katrina and Rita on the Gulf of Mexico OCS program, and MMS's new responsibilities under the Energy Policy Act of 2005.

On Thursday, May 11, the Committee will meet in discipline breakout sessions (*i.e.*, biology/ecology, physical sciences, and social sciences) to review the specific research plans of the MMS regional offices for Fiscal Years 2008 and 2009.

On Friday, May 12, the Committee will meet in plenary session for reports of the individual discipline breakout sessions of the previous day and to continue with Committee business.

The meetings are open to the public. Approximately 30 visitors can be accommodated on a first-come-first-served basis at the plenary session.

Authority: Federal Advisory Committee Act, P.L. 92–463, 5 U.S.C., Appendix I, and the Office of Management and Budget's Circular A–63, Revised.

Dated: April 11, 2006.

Thomas A. Readinger,

Associate Director for Offshore Minerals Management.

[FR Doc. E6–5636 Filed 4–14–06; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before April 1, 2006. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by May 2, 2006.

John W. Roberts,

Acting Chief, National Register/National Historic Landmarks Program.

CALIFORNIA

San Francisco County

Port of San Francisco Embarcadero Historic District, From Pier 45 to Pier 48, The Embarcadero, San Francisco, 06000372

FLORIDA

Gadsden County

Dezell House, 328 E. 8th St., Greensboro, 06000358

ILLINOIS

Cook County

Bohemian National Cemetery, Roughly bounded by Foster Ave., Pulaski Rd., Bryn Mawr Ave., and the approx. line of Central Park Ave., Chicago, 06000374

Lou Mitchell's Restaurant, (Route 66 through Illinois MPS) 565 W. Jackson Blvd., Chicago, 06000376

Meekerville Historic District, 303 Barry Ave., 325,303–341,344 Wellington Ave., 340 Oakdale Ave., Chicago, 06000383

Du Page County

Dell Rhea's Chicken Basket, (Route 66 through Illinois MPS) 645 Joilet Rd., Hinsdale, 06000375

Lake County

Deerpath Square—Deerpath Hill Estates, (Deerpath Hill Estates: an English Garden Development in Lake Forest, Illinois MPS) Jct. of Deerpath and Deerpath Sq., Lake Forest, 06000377

Hibbard, Frank, Estate House—Deerpath Hill Estates, (Deerpath Hill Estates:an English Garden Development in Lake Forest, Illinois MPS) 301 N. Chiltern Dr., Lake Forest, 06000379

House at 380 Chilten Drive—Deerpath Hill Estates, (Deerpath Hill Estates:an English Garden Development in Lake Forest, Illinois MPS) 380 Chiltern Dr., Lake Forest, 06000378

House at 965 Castlegate Court—Deerpath Hill Estates, (Deerpath Hill Estates:an English Garden Development in Lake Forest, Illinois MPS) 965 Castlegate Court, Lake Forest, 06000382

Montgomery County

Ariston Cafe, (Route 66 through Illinois MPS) 413 Old Route 66, Litchfield, 06000380

Will County

Alternate Route 66, Wilmington to Joilet, (Route 66 through Illinois MPS) IL 53 bet. Wilmington and Joilet, Joilet, 06000381

MASSACHUSETTS

Norfolk County

Holbrook Square Historic District, Roughly N. Franklin St. from Union St. to Linfield St., Holbrook, 06000359

Worcester County

Main Street Historic District, Main, Lincoln, Preston, Walnut Sts., Chestnut Hill Rd., Burns Ave., Millville, 06000360

NEW YORK

Queens County

Broadway—Flushing Historic District, Roughly bounded by 29th Ave., 163rd St., 32nd Ave., 192nd St., 154th and 153rd Sts., Flushing, 06000373

OHIO

Franklin County

Coe, Truman and Sylvia Bull, House, 75 E. Lakeview Ave., Columbus, 06000361

TEXAS

Bexar County

Alamo National Bank Building, 105 S. St. Mary's St., San Antonio, 06000364

Kaufman County

Terrell Carnegie Library, 207 N. Frances St., Terrell, 06000363

Loving County

Loving County Courthouse, Bounded by Pecos St., Collins St., Dallas St., and TX 302, Mentone, 06000362

VIRGINIA

Albemarle County

Limestone, 4401 Limestone Rd., Keswick, 06000366

Bristol Independent City

Euclid Avenue Historic District, Along Sect. of Arlington, Euclid, Fairmount, Glenway, Highland, Lawrence, Piedmont Aves., Chester, Grove, Lindsey, Bristol (Independent City), 06000369

Northampton County

Benjamin's Department Store, 3327 Main St., Exmore, 06000367

Selma, 16237 Courthouse Rd., Eastville, 06000368

Williamsburg Independent City

Merchants Square and Resort Historic District, Boundary St., Duke of Gloucester St., S. England St., Francis St., Henry St. Prince George St., Williamsburg (Independent City), 06000365

WASHINGTON

King County

Medical Dental Building, 509 Olive Way, Seattle, 06000371

Seattle Yacht Club—Main Station, 1807 Hamlin St., Seattle, 06000370

A request for REMOVAL has been received for the following resources:

IOWA

Harrison County

Harrison County Jail 105 S. 1st Ave. Logan, 83004517

MARYLAND

Charles County

Johnsontown Fairgrounds Rd. E of Penn Central RR Tracks La Plata vicinity, 91000610

The comment period has been WAIVED for the following resource:

VIRGINIA

Rockingham County

Breneman—Turner Mill 5036 Turners Mill Ln., Harrisonburg, 06000325

[FR Doc. E6–5673 Filed 4–14–06; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Information Collection Activities; Proposed Collection; Comment Request; Renewal

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Bureau of Reclamation (Reclamation) is seeking a renewal of the following information collection:

Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin, OMB No. 1006–0015.

Before submitting the information collection request to the Office of Management and Budget for approval, Reclamation is soliciting comments on specific aspects of the information collection.

DATES: Comments on this notice must be received by June 16, 2006.

ADDRESSES: Address all comments concerning this notice to Amber Cunningham, BCOO–4452, Bureau of Reclamation, P.O. Box 61470, Boulder City, Nevada 89006–1470. A copy of the information collection form can be obtained by writing to the above address or calling Amber Cunningham at 702–293–8472.

FOR FURTHER INFORMATION CONTACT: Amber Cunningham, Economist, 702–294–8472.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of Reclamation's functions, including whether the information will have practical use; (b) the accuracy of Reclamation's estimated time and cost burdens of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, use, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Information on water diversions is reported on four different types of forms. The base form (Form 72) was developed for use by respondents in the State of Nevada and variations of the form have been used by other respondents. Some respondents choose to use their own format to report diversions and return flows. Water service contracts require some respondents to supply both monthly and annual reports on the same form.

Title: Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin.

OMB No.: 1006–0015.

Abstract: Reclamation delivers Colorado River water to water users for diversion and beneficial consumptive use in the States of Arizona, California, and Nevada. Under Supreme Court order, the United States is required, at least annually, to prepare and maintain complete, detailed, and accurate records of diversions of water, return flow, and consumptive use. This information is needed to ensure that a State or a water user within a State does not exceed its authorized use of Colorado River water. Water users are obligated to provide information on diversions and return flows to Reclamation by provisions in their water delivery contracts. Reclamation determines the consumptive use by subtracting return flow from diversions or by other engineering means. Without the information collected, Reclamation could not comply with the order of the United States Supreme Court to prepare and maintain detailed and accurate records of diversions, return flow, and consumptive use.

Description of respondents: The Lower Basin States (Arizona, California, and Nevada), local and tribal entities, water districts, and individuals that use Colorado River water.

Frequency: Annually, or otherwise as determined by the Secretary of the Interior.

Estimated total number of respondents: 54.

Estimated hours per form:

LC–72: 54 hours.

LC72A: 30 hours.

LC72B: 78 hours.

Custom forms: 128 hours.

Estimated total burden hours: 290.

Dated: March 24, 2006.

Terrence J. Fulp,

Area Manager, Boulder Canyon Operations Office, Lower Colorado Region.

[FR Doc. E6–5639 Filed 4–14–06; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–451 (Second Review)]

Gray Portland Cement and Cement Clinker from Mexico

AGENCY: United States International Trade Commission.

ACTION: Notice of postponement of establishing a schedule for a full five-year review concerning the antidumping duty order on gray portland cement and cement clinker from Mexico.

SUMMARY: The Commission hereby gives notice that it has postponed establishing a schedule for a full review to determine whether revocation of the antidumping

duty order on gray portland cement and cement clinker from Mexico would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202–205–3191), Office of Investigations or Robin L. Turner (202–205–3103), Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On October 3, 2005, the Commission instituted a five-year review concerning the antidumping duty order on gray portland cement and cement clinker from Mexico (70 F.R. 57617). On January 6, 2006, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act (71 F.R. 2957, January 18, 2006).

On March 6, 2006, the Office of the United States Trade Representative and the United States Department of Commerce (''Commerce'') entered into an agreement with the Secretaria de Economia of Mexico pertaining to imports of gray portland cement and clinker from Mexico (''Agreement''). The Agreement provides that, if Mexican Cement producers successfully abide by the terms of the Agreement for three years, the antidumping duty order will be revoked with respect to those producers. Pursuant to Section II.A.4.d. of the Mexican Cement Agreement, Commerce has ''[s]uspended the 2005 Sunset Review of the Mexican Cement Order.'' [1] Thus, Commerce has not issued a schedule for conducting its 2005 Sunset Review, including setting a date when it intends to issue the final determination for its review. Accordingly, the Commission has postponed establishing a schedule in its related full five-year review until such time as Commerce issues a schedule or announces a final affirmative determination in its 2005 Sunset Review.

Authority: This notice is published pursuant to § 207.62 of the Commission's rules.

Issued: April 12, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–5660 Filed 4–14–06; 8:45 am]

BILLING CODE 7020–02–P

[1] Section I.V. of the Agreement defines ''2005 Sunset Review'' as ''the five year review of the Mexican Cement Order under 19 U.S.C. 1675(c)) initiated by DOC on October 3, 2005.''

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AAF Association, Inc.

Notice is hereby given that, on March 27, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), AAF Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, i-Yuno Global, Seoul, REPUBLIC OF KOREA; Joanneum Research, Graz, AUSTRIA; CANVASs Co., Ltd., Tokyo, JAPAN; and Virorum Consulting LLP, Brighton, Sussex, UNITED KINGDOM have been added as parties to this venture. Also, Siemens Business Services, San Francisco, CA has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AAF Association, Inc. intends to file additional written notification disclosing all changes in membership.

On March 28, 2000, AAF Association, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on December 28, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 26, 2006 (71 FR 4378).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–3645 Filed 4–14–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Flexible Display Center at Arizona State University

Notice is hereby given that, on March 24, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Flexible Display Center at Arizona State University (''Center'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Rockwell Collins, Cedar Rapids, IA; Litrex, Pleasanton, CA; Nitto Denko, Osaka, JAPAN; and L3 Communications, Sylmar, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Center intends to file additional written notification disclosing all changes in membership.

On March 3, 2005, Center filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 25, 2005 (70 FR 15350).

The last notification was filed with the Department on June 17, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on July 13, 2005 (70 FR 40399).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–3642 Filed 4–14–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Hybrid Powertrain Joint Effort

Notice is hereby given that, on March 21, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Hybrid Powertrain Joint Effort has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to the venture are: General Motors Corporation, Detroit, MI; DaimlerChrysler Corporation, Auburn Hills, MI; Mercedes-Benz Hybrid LLC, Troy, MI; and BMW Hybrid Technology Corporation, Woodcliff Lake, NJ. The general area of Hybrid Powertrain Joint Effort's planned activity is advanced hybrid powertrains for use in various sizes of passenger vehicles.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–3644 Filed 4–14–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on March 30, 2006, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kepco, Inc., Flushing, NY has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notification disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on January 6, 2006. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 26, 2006 (71 FR 4379).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–3643 Filed 4–14–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Compact Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the Federal government and 26 states are parties to the Compact, which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative Federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from Federal and state agencies to serve on the Compact Council. The Compact Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index System.

Matters for discussion are expected to include:

(1) Strategy for Expanding State Ratification of the National Crime Prevention and Privacy Compact.

(2) Modification of the Integrated Automated Fingerprint Identification System to Utilize State Records When States Maintain the Record.

(3) Review and Update of the Compact Council Strategic Plan.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Compact Council or wishing to address this session of the Compact Council should notify Mr. Todd C. Commodore at (304) 625–2803, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. Requesters will ordinarily be allowed up to 15 minutes to present a topic.

DATES AND TIMES: The Compact Council will meet in open session from 9 a.m. until 5 p.m., on May 17–18, 2006.

ADDRESSES: The meeting will take place at the Tremont Plaza Hotel, 222 Saint Paul Street, Baltimore, Maryland, telephone (410) 727–2222.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mr. Todd C. Commodore, FBI Compact Officer, Compact Council Office, Module B3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26303–0148, telephone (304) 625–2803, facsimile (304) 625–2539.

David Cuthbertson,

Section Chief, Programs Development Section, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 06–3633 Filed 4–14–06; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Office of Justice Programs; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: Extension of a currently approved collection, Deaths in custody—series of collections from local jails, State prisons and juvenile detention centers, and law enforcement.

The Department of Justice (DOJ), Office of Justice Programs (OJP) has submitted the following information collection request to the Office of

Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection information is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 71, Number 16, page 4172, on January 25, 2006, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 17, 2006. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the 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.

Overview of this information collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: Deaths In Custody—
Quarterly Summary of Inmate Deaths in State Prison;
State Prison Inmate Death Report;
Quarterly Summary of Deaths in State Juvenile Residential Facilities;
State Juvenile Residential Death Report;
Quarterly Report on Inmates Under Jail Jurisdiction;
Annual Summary on Inmates Under Jail Jurisdiction;
Quarterly Report on Inmates in Private and Multi-Jurisdiction Jails;
Annual Summary on Inmates in Private and Multi-Jurisdiction Jails;
Quarterly Summary of Deaths in Law Enforcement Custody;
Law Enforcement Custodial Death Report.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Forms: NPS–4, NPS–4A, NPS–5, NPS–5A, CJ–9, CJ–9A, CJ–10, CJ–10A, CJ–11 and CJ–11A. Corrections Statistics Unit, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Local jail administrators, (one reporter from each of the 3,083 local jail jurisdictions in the United States), State prison administrators (one reporter from each of the 50 States), and State juvenile correctional administrators (one reporter from each of the 50 States and the District of Columbia) responsible for keeping records on inmates will be asked to provide information for the following categories:

(a) During each reporting quarter, the number of deaths or persons in their custody; and

(b) As of January 1 and December 31 of each reporting year, the number of male and female inmates in their custody (local jails only); and

(c) Between January 1 and December 31 of each reporting year, the number of male and female inmates admitted to their custody (local jails only); and

(d) The name, date of birth, gender, race/ethnic origin, and date of death for each inmate who died in their custody during each reporting quarter; and

(e) The admission date, legal status, and current offenses for each inmate who died in their custody during the reporting quarter; and

(f) Whether or not an autopsy was conducted by a medical examiner or coroner to determine the cause of each inmate death that took place in their custody during the reporting quarter; and

(g) The location and cause of each inmate death that took place in their custody during the reporting quarter; and

(h) In cases where the cause of death was illness/natural causes (including AIDS), whether or not the cause of each inmate death was the result of a pre-existing medical condition, and whether or not the inmate had been receiving treatment for that medical condition; and

(i) In cases where the cause of death was accidental injury, suicide, or homicide, when and where the incident causing the inmate's death took place.

Others: To measure the law enforcement deaths BJS utilizes State-level central reporters (one reporter from each of the 50 States and the District of Columbia) from each State's criminal justice Statistical Analysis Center (SAC) to provide information for the following categories:

(a) During each reporting quarter, the number of deaths of persons in the custody of State and local law enforcement during the process of arrest; and

(b) The deceased's name, date of birth, gender, race/Hispanic origin, and legal status at time of death; and

(c) The date and location of death, the manner and medical cause of death, and whether an autopsy was performed; and

(d) The law enforcement agency involved, and the offenses for which the inmate was being charged; and

(e) In cases of death prior to booking, whether death was the result of a pre-existing medical condition or injuries sustained at the crime or arrest scene, and whether the officer(s) involved used any weapons to cause the death; and

(f) In cases of death prior to booking, whether the deceased was under restraining in the time leading up to the death, and whether their behavior at the arrest scene included threats or the use of any force against the arresting officers; and

(g) In cases of death after booking, the time and date of the deceased's entry into the law enforcement booking facility where the death occurred, and the medical and mental condition of the deceased at the time of entry; and

(h) In cases of accidental, homicide or suicide deaths after booking, who and what were the means of death (e.g., suicide by means of hanging).

The Bureau of Justice Statistics uses this information to publish statistics on deaths in custody. These reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics and data.

(5) An estimate of the total number of respondents and the amount of time needed for an average respondent to respond is broken down as follows:

Local jails/quarterly—3,083 respondents (average response time = 5 minutes + 30 minutes per reported death).

Local jails/annual—3,083 respondents (average response time = 15 minutes).

State prisons/quarterly—50 respondents (average response time = 5 minutes).

State prisons addendum/quarterly—50 respondents (average response time = 30 minutes per reported death).

State juvenile corrections/quarterly—51 respondents (average response time = 5 minutes).

State juvenile corrections addendum/quarterly—51 respondents (average response time = 30 minutes per reported death).

State and local law enforcement/quarterly—51 respondents (average response time = 5 minutes).

State and local law enforcement addendum/quarterly—51 respondents (average response time = 60 minutes per reported death).

(6) An estimate of the total public burden (in hours) associated with the collection:

The estimated total public burden hours associated with this collection is 4,609 hours.

If additional information is required contact: Robert B. Briggs, Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: April 12, 2006.

Robert B. Briggs,

Clearance Officer, Department of Justice.

[FR Doc. 06–3641 Filed 4–14–06; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–59,021]

3M Precision Optics, Inc., Cincinnati, OH; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 14, 2006 in response to a petition filed on behalf of workers at 3M Precision Optics, Inc., Cincinnati, Ohio.

The petitioning group of workers is covered by an active certification, [TA–W–54,549] which expires on May 12, 2006. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 4th day of April, 2006.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–5656 Filed 4–14–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–57,142]

Culp, Inc., Including the Following Divisions, Culp Upholstery Prints Culp Central Distribution Center and Culp Sample Department, Burlington, NC; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 17, 2005, applicable to workers of Culp Inc., including Culp Upholstery Prints Plant, Culp Central Distribution Center, and Culp Sample Department, Burlington, North Carolina. The workers are engaged in employment related to the production of upholstery fabrics.

New information provided by the petitioners indicates their intention was to apply for all available Trade Act benefits at the time of the filing. Therefore, the Department has made a decision to investigate further to determine if the workers are eligible to apply for Alternative Trade Adjustment Assistance.

The investigation revealed that a significant number of workers of the subject firm are age 50 or over, workers have skills that are not easily transferable, and conditions in the industry are adverse.

Review of this information shows that all eligibility criteria under section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended have been met for workers at the subject firm. Accordingly, the Department is amending the certification to reflect its finding.

The amended notice applicable to TA–W–57,142 is hereby issued as follows:

''All workers of Culp Inc., including Culp Upholstery Prints Plant, Culp Central Distribution Center, and Culp Sample Department, Burlington, North Carolina, who became totally or partially separated from employment on or after May 5, 2004 through June 17, 2007, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for Alternative Trade Adjustment Assistance under section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 6th day of April 2006.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E6–5657 Filed 4–14–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the periods of March 2006.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Section (a) (2) (A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a) (2) (B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign county of

articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met, and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–58,829; Winspec Manufacturing, Ronkonkoma, NY: February 9, 2005

TA–W–58,850; American Fiber and Finishing, Inc., Newberry, SC: October 7, 2005

TA–W–58,893; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Leased Wkrs of Voit, Santa Rosa, CA: February 22, 2005

TA–W–58,893A; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Tempe, AZ: February 22, 2005

TA–W–58,893B; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Palo Alto, CA: February 22, 2005

TA–W–58,893C; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Santa Clara, CA: February 22, 2005

TA–W–58,893D; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Yorba Linda, CA: February 22, 2005

TA–W–58,893E; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Colorado Springs, CO: February 22, 2005

TA–W–58,893F; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Englewood, CO: February 22, 2005

TA–W–58,893G; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Fort Collins, CO: February 22, 2005

TA–W–58,893H; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Loveland, CO: February 22, 2005

TA–W–58,893I; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Merritt Island, FL: February 22, 2005

TA–W–58,893J; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Acworth, GA: February 22, 2005

TA–W–58,893K; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Carmel, IN: February 22, 2005

TA–W–58,893L; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Andover, MA: February 22, 2005

TA–W–58,893M; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Rye, NH: February 22, 2005

TA–W–58,893N; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Cary, NC: February 22, 2005

TA–W–58,893O; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Shelby, NC: February 22, 2005

TA–W–58,893P; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Allentown, PA: February 22, 2005

TA–W–58,893Q; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Austin, TX: February 22, 2005

TA–W–58,893R; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Roanoke, VA: February 22, 2005

TA–W–58,893S; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Newcastle, WA: February 22, 2005

TA–W–58,893T; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Sequim, WA: February 22, 2005

TA–W–58,893U; Agilent Technologies, Inc., Automated Test Group, Semiconductor Test Solutions, Brookfield, WI: February 22, 2005

TA–W–58,913; Century Furniture LLC, Case Goods Plant #1, A Subsidiary of CV Industries, Hickory, NC: February 24, 2005

TA–W–58,916A; Sony Electronics, Vatio of America, On-site wkrs of Remedy Staffing and Staffmark, San Diego, CA: May 20, 2005

TA–W–58,931; Johnson Electric Automotive, Brownsville, TX: February 28, 2005

TA–W–58,987; Lady Ester Lingerie Corporation, Berwick, PA: March 8, 2005

TA–W–58,990; Springs Global US, Inc., HW Close Plant, Fort Lawn, SC: March 1, 2005

TA–W–59,004; Acco Chain and Lifting Products, A Division of FKI Industries, York, PA: March 7, 2005

TA–W–59,029; American and Efird, Inc., Gastonia, NC: February 20, 2005

TA–W–59,031; Fraser Papers L.L.C., Berlin, NH: March 14, 2005

TA–W–59,081; CFM Home Products, Joplin, MO: March 17, 2005

TA–W–59,085; Barry Controls Defense and Industrial, A Subsidiary of the Hutchinson Group, Camden, AR: March 24, 2005

TA–W–58,506; Alpha Sintered Metals, Inc., Ridgway, PA: December 14, 2004

TA–W–58,690; Weyerhaeuser, Veneer Technologies, Wright City, OK: January 20, 2005

TA–W–58,754; Allegheny Color Corporation, A Division of Apollo Colors, Inc., Ridgway, PA: January 30, 2005

TA–W–58,866; Dolan Industries, Inc., Clinton, MA: February 16, 2005

TA–W–59,055; New England Confectionery Company (NECCO), Stark Candy Division, Thibodaux, LA: March 16, 2005

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–58,882; APA Enterprises, Inc., Aberdeen, SD: February 6, 2005

TA–W–58,918; Perlos, Inc., Including On-Site Leased Wkrs of Cornerstone Staffing, Ft. Worth, TX: March 23, 2005

TA–W–59,013; Conopco, Inc., dba Unilever, dba Unilever Food Division, Leased Wkrs of Key Resources, Asheboro, NC: March 13, 2005

TA–W–59,040; AH Schreiber Company, Gordon Garment Division, Bristol, VA: May 13, 2006

TA–W–58,715; Interface Fabrics, East Douglas, MA: January 20, 2005

TA–W–58,871; Tyco Electronics, Div. Tyco International, Lombard, IL: February 3, 2005

TA–W–58,978; Confluent Photonics Corp., A Subsidiary of Auxora, Inc., Salem, NH: March 9, 2005

TA–W–59,074; Western Graphics Corporation, Including Leased Wkrs of Personnel Source, Eugene, OR: March 21, 2005

The following certification has been issued.

The requirement of supplier to a trade certified firm and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certification has been issued.

The requirement of downstream producer to a trade certified firm and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–59,036; Collins and Aikman, Southwest Laminates, Inc. Division, El Paso, TX: March 15, 2005

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A)(I.A) and (a)(2)(B)(II.A) (no employment decline) has not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B) (shift in production to a foreign country) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

TA–W–58,887; Haden Schweitzer Corp., A Division of Haden International Group, Auburn Hills, MI.

TA–W–58,897; Ingersoll CM Systems, LLC, Midland, MI.

TA–W–58,902; Marcus Brothers Textiles, New York, NY.

TA–W–58,948; Carolina Mills, Inc., Plant #3, Newton, NC.

The investigation revealed that criteria (a)(2)(A)(I.C.)(Increased imports and (a)(2)(B) (II.C) (has shifted production to a foreign country) have not been met.

None.

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–58,909; Abco Rents, Inc., Laurens, SC.

TA–W–58,922; Radici Fabrics USA, Fall River, MA.

TA–W–58,942; Holmes Group (The), A Subsidiary of Jarden Corp., Sedalia, MO.

TA–W–58,966; Quintiles, Inc., A Subsidiary of Quintiles Transnational Corp., Data Management Department, Morrisville, NC.

TA–W–59,020; Sony Electronics, Inc., Local Service Center, Customer Service Division, San Diego, CA.

TA–W–59,034; ExxonMobil Chemical Co., A Division of Exxon Mobil Corp., Film Division, Macedon, NY.

TA–W–59,038; Shure Electronics, Douglas, AZ.

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issued a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

In the following cases, it has been determined that the requirements of section 246(a)(3)(ii) have not been met for the reasons specified.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

TA–W–58,887; Haden Schweitzer Corp., A Division of Haden International Group, Auburn Hills, MI.

TA–W–58,897; Ingersoll CM Systems, LLC, Midland, MI.

TA–W–58,902; Marcus Brothers Textiles, New York, NY.

TA–W–58,948; Carolina Mills, Inc., Plant # 3, Newton, NC.

TA–W–58,909; Abco Rents, Inc., Laurens, SC.

TA–W–58,922; Radici Fabrics USA, Fall River, MA.

TA–W–58,942; Holmes Group (The), A Subsidiary of Jarden Corp., Sedalia, MO.

TA–W–58,966; Quintiles, Inc., A Subsidiary of Quintiles Transnational Corp., Data Management Department, Morrisville, NC.

TA–W–59,020; Sony Electronics, Inc., Local Service Center, Customer Service Division, San Diego, CA.

TA–W–59,034; ExxonMobil Chemical Co., A Division of Exxon Mobil Corp., Film Division, Macedon, NY.

TA–W–59,038; Shure Electronics, Douglas, AZ.

The Department as determined that criterion (1) of section 246 has not been met. Workers at the firm are 50 years of age or older.

TA–W–59,031; Fraser Papers L.L.C., Berlin, NH.

TA–W–58,882; APA Enterprises, Inc., Aberdeen, SD.

The Department as determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

TA–W–59,029; American and Efird, Inc., Gastonia, NC.

TA–W–59,081; CFM Home Products, Joplin, MO.

TA–W–59,055; New England Confectionery Company (NECCO), Stark Candy Division, Thibodaux, LA.

TA–W–58,918; Perlos, Inc., Including On-Site Leased Workers of Cornerstone Staffing, Ft. Worth, TX.

The Department as determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

I hereby certify that the aforementioned determinations were issued during the month of March 2006. Copies of These determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 7, 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6–5658 Filed 4–14–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[ETA Handbook No. 384]

Unemployment Compensation for Ex-Servicemembers (UCX) Handbook; Comment Request

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/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. Currently, the Office of Workforce Security (OWS) is soliciting comments concerning the extension of the Unemployment Compensation for Ex-Servicemembers (UCX) Handbook, Number 384.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/Performance/guidance/OMBControlNumber.cfm*.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 16, 2006.

ADDRESSES: Written comments on this notice may be mailed or delivered to Keith Ribnick, Office of Workforce Security (OWS), U.S. Department of Labor, Room S–4231, Frances Perkins Building, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–3223 (this is not a toll-free number), fax number (202) 693–3975.

SUPPLEMENTARY INFORMATION:

I. Background

The UCX law (5 U.S.C. 8521–8523) provides for the payment of unemployment compensation to eligible ex-servicemembers separated from the military service. State workforce agencies (SWAs), through agreements with the Secretary of Labor, act as agents of the Secretary for the purpose of providing unemployment compensation to ex-servicemembers following the Department's regulations at 20 CFR 614 and guidelines in the Department's UCX Handbook. SWAs must be able to obtain certain military service information from each claimant filing for UCX benefits to enable them to determine eligibility for benefits. The forms ETA 841 and ETA 843 (and related instructions) contained in the UCX Handbook are necessary and utilized by SWAs for the purpose of obtaining this needed information.

The form ETA 841, which is in the current Office of Management and Budget (OMB) inventory of approved burden collection, has become an optional form and is no longer used by the majority of SWAs. Since the ETA 841 is rarely used, the burden is so minimal it cannot be determined; hence, no burden is being requested.

Information pertaining to a UCX claimant can only be obtained from the Federal Claims Control Center (FCCC) or the individual's military discharge form (DD Form 214) received from the appropriate branch of service. If the FCCC or the ex-servicemember does not have this information readily available, the most effective way to obtain this information is by use of the form ETA 843 which is prescribed by the Department of Labor for the SWAs' use. The completed ETA Form 843 is sent to the appropriate military branch to obtain an official copy of the DD Form 214 or to obtain clarification about information contained in an existing DD Form 214. Without this information, SWAs could not adequately determine the ex-servicemembers' eligibility for benefits and would not be able to properly administer the program.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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.

Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)) of an extension to an existing collection of information previously approved and assigned OMB control No. 1205–0176. The current burden is based on an inventory of 105,958 UCX claims filed in fiscal year (FY) 2005. This request is based on same number of UCX claims filed in FY 2005 since it is estimated that approximately the same number of UCX claims will be filed in Fiscal Years 2006, 2007 and 2008. Fifty-three (53) SWAs utilize the ETA Form 843. The ETA Form 843 is used by SWAs only when it is necessary to obtain additional clarifying information from the military pertaining to the UCX claimant or to obtain a copy of the DD Form 214. It is estimated that only 5 percent (5,297) of the UCX claims filed will require use of the ETA Form 843. The ETA Form 843 maybe sent to any one of the four branches of military service (Army, Navy, Marines, and Air Force), the Coast Guard, or the National Oceanic Atmospheric Administration (NOAA). These latter two agencies are considered branches of military service for UCX purposes but are not under the jurisdiction of the Department of Defense.

Type of Review: Extension, without change.

Agency: Employment and Training Administration.

Title: Unemployment Compensation for Ex-Servicemembers (UCX) Handbook Number 384.

OMB Number: 1205–0176.

Agency Number: ETA Handbook # 384.

Recordkeeping: 3 years.

Affected Public: Federal Government, State workforce agencies and Individuals.

Total Respondents: 1.

Frequency: As needed.

Total responses: 5,297

Average Time Per Response: 1.0 minutes.

Estimated Total Burden Hours: 88 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $747,138.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 6, 2006.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E6–5659 Filed 4–14–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Solicitation for Grant Applications (SGA); Older Americans Act—Senior Community Service Employment Program (SCSEP) National Grants for Program Year 2006; SGA/DFA–PY 05–06

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice; Amendment 2 to SGA/DFA–PY 05–06.

SUMMARY: The Employment and Training Administration published a document in the **Federal Register** on March 2, 2006 at 71 FR 10797, announcing the availability of funds and solicitation for grant applications (SGA) for the national grants portion of the Senior Community Service Employment Program. The Department amended the SGA to allow an extension of the application deadline, which was published in the **Federal Register** on April 7, 2006 at 71 FR 17922. This notice is the second amendment to the SGA, and it amends the SGA in several respects.

DATES: This notice is effective on April 17, 2006.

FOR FURTHER INFORMATION CONTACT: James W. Stockton, Grant Officer, Division of Federal Assistance, Telephone (202) 693–3335. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department of Labor published a notice to the SCSEP SGA (SGA/DFA–PY 05–06) at 71 FR 10797 in an April 7, 2006 **Federal Register** Notice (71 FR 17922). The Department extended the deadline for applications with a notice published in the **Federal Register** on April 7, 2006 at 71 FR 17922. The first amendment to the SGA, a correction to Appendix K, was published in the **Federal Register** on March 26, 2006 at 71 FR 15768. As a result, several additional date changes must also be amended. In addition, through this notice, the Department is also amending other sections of the SCSEP SGA to exclude certain requirements for organizations applying under the Asian and Pacific Islander or Indian funding categories. The SGA and associated **Federal Register** notices can be viewed on the *http://www.doleta.gov/seniors* Web site. The following additional amendments are made to the SCSEP SGA that was published on March 2, 2006 at 71 FR 10797:

(1) Section I ''Funding Opportunity Description'' (page 10799) is amended to read:

Right of first refusal. Under this solicitation, all successful applicants must allow the current participants to remain in the program under the same conditions in which they are found in order to minimize disruptions to the program. Therefore, although participants may not elect to remain under a former grantee, they must be able to continue community service work-based training with the same host agency for a minimum of 90 days beginning on August 1, 2006.

(2) Section II ''Award Information-Type of Assistance Instrument'' (page 10800) is amended to change the grant period from ''an initial one year grant'' to ''an initial eleven (11) month grant.'' The Department will allocate the full appropriation available for national grantees.

(3) Section II(B)(2) ''Minimum Request for Funding'' (page 10800) is amended to insert the following paragraph after the fourth paragraph:

Organizations applying under the Asian and Pacific Islander or Indian funding categories are exempt from the minimum funding requirement to apply for 10 percent or $1.6 million of the amount allocated in a state. Organizations applying under these categories are also exempt from the provision that requires applicants to apply for all of the positions allocated in a county and the provision that requires applicants to apply for contiguous locations. However, the Department believes that it becomes increasingly difficult to provide program oversight and the attendant fiduciary duties if applicants under these categories bid for less than 80 positions.

(4) Section II(C) ''Period of Performance'' (page 10801) is amended to change the start date of the program from July 1, 2006 to August 1, 2006. In addition, this section is amended to change the initial period of performance from ''one (1) year'' to ''eleven (11) months.''

(5) Section III(A)(4) ''Eligible Applicants/Other Useful Information'' (page 10801) is amended to include the following sentence after the second sentence:

Asian and Pacific Islander or Indian organizations that apply under the General (''G'') funding category are not exempt from any of the SGA funding requirements described in section II, ''Award Information.''

(6) Section III(C) ''Ineligible Applicants'' (page 10802) is amended to add paragraph (6), which reads as follows:

Asian and Pacific Islander or Indian organizations that apply under the General (''G'') funding category and fail to meet the funding requirements described in section II that apply to all applicants that apply under that category.

(7) Section IV(B)(2) ''Requirements for the Cost Proposal'' (page 10803) is amended in the ''note'' at the end of Section to change the cost proposal coverage from ''one (1) year'' of program operations to ''eleven (11) months'' of program operations.

(8) Section IV(E) ''Funding Restrictions'' (page 10803) is amended by adding the following sentence to the end of the paragraph:

Please note that organizations applying under the Asian Pacific Islander or Indian funding categories are exempt from this requirement.

(9) Section VI(A) ''Award Notices'' (page 10807) is amended in the first two sentences to read as follows:

The Department anticipates completing its review and ranking of proposals by late June 2006. The Grant Officer expects to announce the results of this competition no later than mid-July 2006.

(10) Section VIII(C) ''Questions about the Program or SGA'' (page 10808) amends the fifth sentence to change the length of time that questions will be received from ''one month'' to ''two months'' after publication. Therefore, the Department will accept and respond to questions that are received up to and including May 2, 2006. The Department will not respond to questions received after that deadline. Applicants are urged to frequently check the Question and Answer section at *http://www.doleta.gov/seniors/SGA/SGA_QA.cfm.* The Department also re-emphasizes that questions must be submitted to the Grant Officer and not to the program staff.

(11) Section VIII(D) ''Post-Selection Negotiations and Requirements'' (page 10808) is amended in the last sentence

at the end of the first paragraph to change the date that the Grant Officer expects to negotiate final slot assignments from ''the end of May'' to ''mid-July.''

(12) Section VIII(E) ''Transition of Participants'' (page 10808) is amended as follows:

The first sentence is amended to change the transition period from ''June 1–June 30, 2006'' to ''August 1–September 30, 2006.''

The fourth sentence in the first paragraph on the required time a participant must remain in the same host agency from ''for up to 90 days'' to ''for a minimum of 90 days.''

The second sentence in the third paragraph on the grantee payroll responsibility date is changed from ''July 1, 2006'' to ''October 1, 2006.'' Therefore, successful applicants may plan to make the first payment to participants in the first or second week of October 2006.

(13) Section VIII(F) ''Transition Roles and Responsibilities'' is amended as follows:

On page 10808, the second sentence on the national SCSEP orientation and training conference is amended to change the estimated date of the conference from ''mid-June'' to ''early August.''

On page 10809, the second requirement for national grantees is amended to change the host agency requirement from ''for up to 90 days'' to ''a minimum of 90 days.''

Signed in Washington, DC, this 13th day of April, 2006.

James W. Stockton,

Grant Officer.

[FR Doc. 06–3671 Filed 4–14–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Sago Mine Explosion, Buckhannon, WV; Public Hearing; Correction

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public hearing, correction notice.

SUMMARY: This notice corrects the Notice of Public Hearing for Sago Mine explosion, Buckhannon, WV; MSHA's and State of West Virginia's investigation published in the **Federal Register** on April 13, 2006.

FOR FURTHER INFORMATION CONTACT: Mark R. Malecki, Counsel for Trial Litigation, Office of the Solicitor, United States Department of Labor; phone: (202) 693–9341; facsimile: (202) 693–9361; electronic mail: *Malecki.Mark@dol.gov.*

SUPPLEMENTARY INFORMATION: Please remove section 3—issuance of subpoenas and insert the following:

3. Issuance of Subpoenas

The Secretary's designated representative shall have the authority to issue subpoenas for the purpose of securing the attendance of witnesses to provide testimony and the production of relevant documents or objects or testimony. If a witness appears to testify pursuant to subpoena, MSHA and the State of West Virginia shall pay all normally applicable witness fees.

Dated: April 12, 2006.

David G. Dye,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 06–3654 Filed 4–12–06; 4:35 pm]

BILLING CODE 4510–43–P

LEGAL SERVICES CORPORATION

Notice of Availability of Calendar Year 2007 Competitive Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Solicitation for proposals for the provision of civil legal services.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering federal funds provided for civil legal services to low-income people.

LSC hereby announces the availability of competitive grant funds and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high quality civil legal services to eligible clients in the service area(s) of the states and territories identified below. The exact amount of congressionally appropriated funds and the date, terms, and conditions of their availability for calendar year 2007 have not been determined.

DATES: See **SUPPLEMENTARY INFORMATION** section for grants competition dates.

ADDRESSES: Legal Services Corporation—Competitive Grants, 3333 K Street, NW., Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Office of Program Performance by e-mail at *competition@lsc.gov*, or visit the grants competition Web site at *http://www.ain.lsc.gov.*

SUPPLEMENTARY INFORMATION: The Request for Proposals (RFP) will be available April 21, 2006. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process.

Applicants competing for service areas in Alabama, American Samoa, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Mississippi, Montana, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia must file the NIC by May 22, 2006, 5 p.m. e.d.t. The due date for filing grant proposals for service areas in these states is June 15, 2006, 5 p.m. e.d.t.

Applicants competing for service areas in Wyoming must file the NIC by August 14, 2006, 5 p.m. e.d.t. The due date for filing grant proposals for service areas in Wyoming is September 15, 2006, 5 p.m. e.d.t.

LSC is seeking proposals from: (1) Non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The RFP, containing the NIC and grant application, guidelines, proposal content requirements, service area descriptions, and specific selection criteria, will be available from *http://www.ain.lsc.gov* April 21, 2006. LSC will not fax the RFP to interested parties.

Below are the service areas for which LSC is requesting grant proposals. Service area descriptions will be available from Appendix A of the RFP. Interested parties are asked to visit *http://www.ain.lsc.gov* regularly for updates on the LSC competitive grants process.

State	Service area
Alabama	MAL
American Samoa	AS–1
Arkansas	MAR
California	CA–2, CA–19, CA–26, CA–29, CA–30, CA–31, MCA
Colorado	CO–6, MCO, NCO–1
Florida	FL–5, FL–13, FL–14, FL–15, FL–16, FL–17, FL–18, MFL
Georgia	GA–1, GA–2, MGA
Hawaii	HI–1, MHI
Illinois	IL–6, MIL
Indiana	IN–5, MIN
Kentucky	MKY
Louisiana	LA–10, LA–11, MLA
Massachusetts	MA–12
Mississippi	MS–9, MS–10, MMS, NMS–1
Montana	MT–1, MMT, NMT–1

State	Service area
New York	NY–7, NY–20, NY–21, NY–22, NY–23, NY–24, MNY
North Carolina	NC–5, MNC, NNC–1
Oklahoma	OK–3, MOK
Pennsylvania	PA–1, PA–5, PA–8, PA–11, PA–23, PA–24, PA–26, MPA
South Carolina ...	SC–8, MSC
Tennessee	MTN
Texas	MTX
Virginia	VA–20, MVA
Wyoming	WY–4, MWY, NWY–1

Dated: April 12, 2006.

Michael A. Genz,

Director, Office of Program Performance, Legal Services Corporation.

[FR Doc. 06–3648 Filed 4–14–06; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

Time and Date: 10 a.m., Thursday, April 20, 2006.

Place: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

Status: Open.

Matters to be Considered:

1. Quarterly Insurance Fund Report.

2. Final Revisions to the Federal Credit Union Bylaws.

3. Final Rule: Part 707 of NCUA's Rules and Regulations, Truth in Savings.

Recess: 11.15 a.m.

Time and Date: 11:30 a.m., Thursday, April 20, 2006.

Place: Board Room, 7th Floor, Room 4047, 1775 Duke Street, Alexandria, VA 22314–3428.

Status: Closed.

Matters to be Considered:

1. Administrative Action under Section 208 of the Federal Credit Union Act. Closed pursuant to Exemptions (8) and (9)(A)(ii).

2. Merger under Parts 704 and 708 of NCUA's Rules and Regulations. Closed pursuant to Exemption (8).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Secretary of the Board.

[FR Doc. 06–3680 Filed 4–13–06; 2:35 pm]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:
Form N–SAR;—SEC File No. 270–292—OMB Control No. 3235–0330.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Form N–SAR—Semi-Annual Report for Registered Investment Companies

Form N–SAR (17 CFR 274.101) is the form used by all registered investment companies with the exception of face amount certificate companies, to comply with the periodic filing and disclosure requirements imposed by Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*), and of rules 30a1–1 and 30b1–1 under the Act. The information required to be filed with the Commission assures the public availability of the information and permits verification of compliance with Investment Company Act requirements. Registered unit investment trusts are required to provide this information on an annual report filed with the Commission on Form N–SAR (OMB Control No. 3235–0330) pursuant to rule 30a1–1 under the Investment Company Act (17 CFR 30a1–1), and registered management investment companies must submit the required information on a semi-annual report filed on Form N–SAR pursuant to rule 30b1–1 under the Act (17 CFR 270.30b1–1).[1]

The Commission estimates that the total number of respondents is 4,130 and the total annual number of responses is 7,430 ((3,300 respondents × 2 responses per year) + (830 respondents × 1 response per year)). The Commission estimates that each registrant filing a report on Form N–SAR would spend, on average, 14.43 hours in preparing and filing the Form and that the total hour burden for all Form N–SAR filings would be 107,203 hours. Estimates of the burden hours are made solely for the purposes of the PRA, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The information provided on Form N–SAR is mandatory. The information provided on Form N–SAR will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 10, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5648 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

[1] Face amount certificate companies are required to file periodic reports pursuant to Section 13 or 15(d) of the Exchange Act [15 U.S.C. 78m, 78o(d)].

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:
Form ADV–E; Sec File No. 270–318; OMB Control No. 3235–0361.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Form ADV–E (17 CFR 279.8) is the cover sheet for accountant examination certificates filed pursuant to rule 206(4)–2 under the Investment Advisers Act of 1940 by investment advisers retaining custody of client securities or

funds. The annual burden is approximately three minutes per respondent.

The estimate of burden hours set forth above is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even representative survey or study of the cost of SEC rules and forms.

The information provided on Form ADV–E is mandatory. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or e-mail to *David_Rostker@omb.eop.gov;* and R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

April 7, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5670 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submissions for OMB Review; Comment Request

Upon Written Request,

Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extensions:

Form F–9, OMB Control No. 3235–0377, SEC File No. 270–333.

Form F–10, OMB Control No. 3235–0380, SEC File No. 270–334.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Form F–9 (17 CFR 239.39) is a registration statement under the Securities Act of 1933 that is used to register investment grade debt or investment grade preferred securities that are offered for cash or in connection with an exchange offer and are either non-convertible or not convertible for a period of at least one year from the date of issuance and thereafter are only convertible into a security of another class of the issuer. The purpose of the information collection is to permit verification of compliance with securities law requirements and to assure the public availability and dissemination of such information. The principal function of the Commission's forms and rules under the securities laws' disclosure provisions is to make information available to the investors. Form F–9 is a public document and all information provided is mandatory. We estimate that Form F–9 takes approximately 25 hours per response and it is filed by 18 respondents. We further estimate that 25% of the 450 annual burden hours (113 burden hours) are prepared by the company.

Form F–10 (17 CFR 239.40) is a registration statement under the Securities Act of 1933 that is used by certain Canadian ''substantial issuers'' (those issuers with at least 36 calendar months of reporting history with a securities commission in Canada and a market value of common stock of at least $360 million (Canadian) and an aggregate market value of common stock held by non-affiliates of at least $75 million (Canadian)). The purpose of the information collection is to facilitate cross-border offerings by specified Canadian issuers. Form F–10 is a public document and all information provided is mandatory. We estimate that Form F–10 take approximately 25 hours per response and is filed by 75 respondents. We further estimate that 25% of the 1,875 total burden hours (469 burden hours) are prepared by the company.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Va. 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5672 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 9b–1 SEC File No. 270–429, OMB Control No. 3235–0480.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

• Options Disclosure Document.

Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1) sets forth the categories of information required to be disclosed in an options disclosure document (''ODD'') and requires the options markets to file an ODD with the Commission 60 days prior to the date it is distributed to investors. In addition, Rule 9b–1 provides that the ODD must be amended if the information in the document becomes materially inaccurate or incomplete and that amendments must be filed with the Commission 30 days prior to the distribution to customers. Finally, Rule 9b–1 requires a broker-dealer to furnish to each customer an ODD and any amendments, prior to accepting an order to purchase or sell an option on behalf of that customer.

There are 6 options markets that must comply with Rule 9b–1. These 6 respondents work together to prepare a single ODD covering options traded on each market, as well as amendments to the ODD. These respondents file no more than one amendment per year, which requires approximately 8 hours per year for each respondent. Thus, the total compliance burden for options markets per year is 48 hours. The approximate cost per hour is $100,

resulting in a total cost of compliance for these respondents of $4,800 per year (48 hours @ $100).

In addition, approximately 2,000 broker-dealers must comply with Rule 9b–1. Each of these respondents will process an average of three new customers for options each week and, therefore, will have to furnish approximately 156 ODDs per year. The postal mailing or electronic delivery of the ODD takes respondents no more than 30 seconds to complete for an annual compliance burden for each of these respondents of 78 minutes, or 1.3 hours. Thus, the total compliance burden per year is 2,600 hours (2,000 broker-dealers × 1.3 hours). The approximate cost per hour to these respondents is $10 per hour, resulting in a total cost of compliance for these respondents of $26,000 per year (2,600 hours @ $10).

The total compliance burden for all respondents under this rule (both options markets and broker-dealers) is 2648 hours per year (48 + 2,600), and total compliance costs of $30,800 ($4,800 + $26,000).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5674 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submitted for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 15g–3, SEC File No. 270–346, OMB Control No. 3235–0392.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 15g-3 (17 CFR 240.15g-3) under the Securities Exchange Act of 1934 requires that brokers and dealers disclose to customers current quotation prices or similar market information in connection with transactions in penny stocks. It is estimated that approximately 240 respondents incur an average burden of 100 hours annually to comply with the rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to *David_Roskter@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5676 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 15g–4, SEC File No. 270–347, OMB Control No. 3235–0393.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'' has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 15g–4 (17 CFR 240.15g–4) under the Securities Exchange Act of 1934 requires brokers and dealers effecting transactions in penny stocks for or with customers to disclose the amount of compensation received by the broker-dealer in connection with the transaction. It is estimated that approximately 240 respondents incur an average of 100 hours annually to comply with the rule.

Rule 15g–4 contains record retention requirements. Compliance with the rule is mandatory. The required records are available only to the examination staff of the Commission and the self-regulatory organization of which the broker or dealer is a member. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5680 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and

Information Services, Washington, DC 20549

Extension:

Rule 15g–5, SEC File No. 270–348, OMB Control No. 3235–0394.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for approval of extension on the following rule.

Rule 15g–5 (17 CFR 240.15g–5) under the Securities Exchange Act of 1934 requires brokers and dealers to disclose to customers the amount of compensation to be received by their sales agents in connection with penny stock transactions. It is estimated that approximately 240 respondents incur an average burden of 100 hours annually to comply with the rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5682 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Requested

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 15g–6, SEC File No. 270–349 and OMB Control No. 3235–0395.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collection of information discussed below.

Rule 15g–6—Account Statements for Penny Stock Customers

Rule 15g–6 (17 CFR 240.15g–6) under the Securities Exchange Act of 1934 requires brokers and dealers that sell penny stocks to their customers to provide monthly account statements containing information with regard to the penny stocks held in customer accounts. The information is required to be provided to customers of broker-dealers that effect penny stock transactions in order to provide those customers with information that is not now publicly available. Without this information, investors would be less able to protect themselves from fraud and to make informed investment decisions.

The staff estimates that there are approximately 240 broker-dealers that are subject to the rule. The staff estimates that the firms affected by the rule will, at any one time, have approximately 150 new customers with whom they have effected transactions in penny stocks, each of whom would receive a maximum of 12 account statements per year, for a total of 1,800 account statements annually for each firm (150 customers × 12 account statements/customer). The staff estimates that a broker-dealer would expend approximately three minutes in processing the information required for each account statement. Accordingly, the estimated average annual burden would equal 90 hours (1,800 account statements × 3 minutes/60 minutes = 90 hours), and the estimated average total burden would equal 21,600 hours (90 hours × 240).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5684 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 19a–1, SEC File No. 270–240 and OMB Control No. 3235–0216.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collection of information discussed below.

Section 19(a) (15 U.S.C. 80a–19(a)) of the Investment Company Act of 1940 (the ''Act'') makes it unlawful for any registered investment company to pay any dividend or similar distribution from any source other than the company's net income, unless the payment is accompanied by a written statement to the company's shareholders which adequately discloses the sources of the payment. Section 19(a) authorizes the Commission to prescribe the form of such statement by rule.

Rule 19a–1 (17 CFR 270.19a–1) under the Act, entitled ''Written Statement to Accompany Dividend Payments by Management Companies,'' sets forth specific requirements for the information that must be included in statements made pursuant to section 19(a) by or on behalf of management companies.[1] The rule requires that the statement indicate what portions of distribution payments are made from net income, net profits and paid-in capital. When any part of the payment

[1] Section 4(3) of the Act [15 U.S.C. 80a–4(3)] defines ''management company'' as ''any investment company other than a face amount certificate company or a unit investment trust.''

is made from net profits, rule 19a–1 also requires that the statement disclose certain other information relating to the appreciation or depreciation of portfolio securities. If an estimated portion is subsequently determined to be significantly inaccurate, a correction must be made on a statement made pursuant to section 19(a) or in the first report to shareholders following the discovery of the inaccuracy.

The purpose of rule 19a–1 is to afford fund shareholders adequate disclosure of the sources from which distribution payments are made. The rule is intended to prevent shareholders from confusing income dividends with distributions made from capital sources. Absent rule 19a–1, shareholders might receive a false impression of fund gains.

Based on a review of filings made with the Commission, the staff estimates that approximately 3000 portfolios of registered investment companies that are management companies may be subject to rule 19a–1 each year, and that each portfolio on average mails two statements per year to meet the requirements of the rule.[2] The staff further estimates that the time needed to make the determinations required by the rule and to prepare the statement required under the rule is approximately 1.5 hours per statement. The total annual burden for all portfolios therefore is estimated to be approximately 9,000 burden hours.

The staff estimates that approximately one-third of the total annual burden (3,000 hours) would be incurred by a senior administrative officer with an average hourly wage rate of approximately $158 per hour, and approximately two-thirds of the annual burden (6,000 hours) would be incurred by senior clerical staff with an average hourly wage rate of $25 per hour.[3] The staff therefore estimates that the aggregate annual cost of complying with the paperwork requirements of the rule is approximately $624,000 ((3,000 hours × $158) + (6,000 hours × $25)).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Compliance with the collection of information required by rule 19a–1 is mandatory for management companies that make written statements to shareholders pursuant to section 19(a) of the Act. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5685 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

[2] A few portfolios make monthly distributions from sources other than net income, so the rule requires them to send out a statement 12 times a year. Other portfolios never make such distributions.

[3] All hourly rates in this Supporting Statement are derived from the average annual salaries reported for employees outside of New York City in Securities Industry Association, Management and Professional Earnings in the Securities Industry (2003) and Securities Industry Association, Office Salaries in the Securities Industry (2003).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 19d–2, SEC File No. 270–204 and OMB Control No. 3235–0205.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget request for extension of the previously approved collection of information discussed below.

Rule 19d–2 (17 CFR 240.19d–2) under the Securities Exchange Act of 1934 (the ''Act'') prescribes the form and content of applications to the Commission by persons desiring stays of final disciplinary sanctions and summary action of self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency.

It is estimated that approximately 30 respondents will utilize this application procedure annually, with a total burden of 90 hours, based upon past submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–2 is 3 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: April 6, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6–5689 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53628; File No. 4–517]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing of the Plan for Allocation of Regulatory Responsibilities Between The NASDAQ Stock Market LLC and the National Association of Securities Dealers, Inc.

April 10, 2006.

Pursuant to Section 17(d) of the Securities Exchange of 1934 (''Act'')[1] and Rule 17d–2 thereunder,[2] notice is hereby given that on April 6, 2006, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') and the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'')

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

a plan for the allocation of regulatory responsibilities.

I. Introduction

Section 19(g)(1) of the Act [3], among other things, requires every national securities exchange and registered securities association (''SRO'') to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or 19(g)(2) of the Act.[4] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). This regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[5] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[6] Rule 17d–1, adopted on April 20, 1976,[7] authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with financial responsibility requirements imposed by the Act, or by Commission or SRO rules. When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with applicable financial responsibility rules.

On its face, Rule 17d–1 deals only with an SRO's obligation to enforce broker-dealers' compliance with the financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices, and trading activities and practices.

To address regulatory duplication in these other areas, on October 28, 1976, the Commission adopted Rule 17d–2 under the Act.[8] This rule permits SROs to propose joint plans allocating regulatory responsibilities with respect to common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to and foster the development of a national market system and a national clearance and settlement system, and in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

Nasdaq and NASD filed with the Commission a plan for allocating regulatory responsibilities pursuant to Rule 17d–2. The proposed plan is intended to reduce regulatory duplication for firms that are common members of Nasdaq and NASD. This proposed plan would transfer to the NASD certain regulatory responsibilities for each common member. Included in the plan is an attachment (''The Nasdaq Stock Market LLC Rules Certification for 17d–2 Agreement with NASD,'' referred to herein as the ''Nasdaq Certification'') that delineates the Nasdaq rules that would be subject to the plan. The Nasdaq Certification lists every Nasdaq rule that, under the plan, the NASD would bear responsibility for overseeing and enforcing with respect to common members.

The text of the proposed 17d–2 plan is as follows:

Agreement Between the National Association of Securities Dealers, Inc. and The Nasdaq Stock Market LLC Pursuant To Section 17(D) And Rule 17d–2

This agreement (Agreement) pursuant to Section 17(d) of the Securities Exchange Act of 1934 (Act) and Rule 17d–2 thereunder is by and between the National Association of Securities Dealers, Inc. (NASD), a Delaware corporation registered as a national securities association subject to regulation by the Securities and Exchange Commission (SEC) under the Act, whose principal offices are located at 1735 K Street, N.W., Washington, D.C. 20006, and The NASDAQ Stock Market LLC (Nasdaq), a Delaware limited liability company registered as a national securities exchange subject to regulation by the SEC under the Act, whose principal offices are located at 1 Liberty Plaza, New York, NY (NASD and Nasdaq hereafter may be referred to together as the parties or individually as a party).

In consideration of the mutual covenants contained hereafter, and in consideration of other valuable consideration, NASD and Nasdaq hereby agree as follows:

1. *Term.* This Agreement shall be effective on the later of either: (i) the date that Nasdaq commences operations as a national securities exchange; or (ii) the date the SEC approves this Agreement under Section 17(d) (Effective Date).

2. *Entities.* Nasdaq is a registered national securities exchange, as defined in Section 6 of the Act, and a self-regulatory organization, as defined in Section 3(a)(26) of the Act (SRO). NASD is a registered securities association, as defined in Section 15A of the Act and an SRO. Both parties are responsible for fulfilling certain regulatory obligations and performing certain regulatory functions under the Act.

3. *Members.* The parties have brokers or dealers as their members, and some of the brokers or dealers are members of both such parties (hereinafter, members of both such parties and persons associated with such members are referred to collectively as Common Members). Each party has regulatory obligations under the Act and the rules of the party for Common Members. A broker or dealer shall be considered a member of one of the parties only upon the approval of the membership application of that broker or dealer. A broker or dealer with a pending membership application shall not be considered a Common Member.

4. *Structure.* Under Rule 17d–2, the parties may agree, in a plan or agreement, to provide for coordinated, non-duplicative regulation and enforcement, and to serve other purposes of the Act: (1) to allocate certain regulatory responsibilities that both parties have to one of the parties; (2) to relieve a party of its regulatory responsibility and obligations for a certain function under the Act if the other party agrees to exercise such responsibility and undertake such obligation for the specified function on

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2).

[5] Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session. 32 (1975).

[6] 17 CFR 240.17d–1 and 17 CFR 240.17d–2.

[7] Securities Exchange Act Release No. 12352, 41 FR 18809 (May 3, 1976).

[8] Securities Exchange Act Release No. 12935, 41 FR 49093 (November 8, 1976).

behalf of the other party; and (3) to provide for the allocation of expenses reasonably incurred by the party agreeing to exercise the responsibility and undertake the obligation for the specified function in the plan or agreement.

Pursuant hereto, Nasdaq is responsible for identifying the rules of Nasdaq that are identical or substantially similar to NASD rules. After review and confirmation by NASD, Nasdaq shall in a certification, as attached hereto and made a part of this Agreement (Nasdaq Certification), certify the rules of Nasdaq that are identical or substantially similar to NASD rules (Common Rules) and, therefore, are the subject of this Agreement. Each year following the commencement of operation of this Agreement, or more frequently if required by changes in either the rules of Nasdaq or NASD, Nasdaq shall submit an updated list of Common Rules to NASD for review which shall add Nasdaq rules not included in the current Nasdaq Certification that are identical or substantially similar to NASD rules; delete Nasdaq rules included in the Nasdaq Certification that are no longer identical or substantially similar to NASD rules; and confirm that the remaining rules on the Nasdaq Certification continue to be Nasdaq rules that are identical or substantially similar to NASD rules. Within 30 days of receipt of such updated list, NASD will confirm in writing whether the rules listed in any updated list are Common Rules as defined in this Agreement. NASD shall not assume regulatory responsibility for, and Nasdaq will retain full responsibility for (unless allocated pursuant to Rule 17d–2 otherwise than under this Agreement), surveillance and enforcement with respect to trading activities or practices involving solely Nasdaq's own marketplace. Also subject to this Agreement are SEC rules applicable to Common Members. NASD shall assume regulatory responsibility for such SEC rules with respect to Common members to the same extent that the NASD assumes regulatory responsibility with respect to NASD members.

5. *Services.* NASD agrees to provide the following services (Services) as related to Common Members:

(a) Membership Activities. (1) NASD will receive and process in the Central Registration Depository (CRD) applications, reports, information, filings, fingerprint cards, and notices generally relating to: (a) an associated person status, and (b) registration as a principal of any type, a representative of any type, or any other type of employee required to register or required to pass a qualification examination.

(2) NASD will receive and process in the CRD documentation of notice of the passage of the appropriate qualification examination for such principal, registered representative, or other employee required to qualify by examination and, subsequently, forward such information to Nasdaq.

(3) Upon request, NASD will advise Nasdaq of any changes in the status of members (including officer and partner changes), and registered personnel as reflected in CRD.

(4) NASD shall collect and forward monthly to Nasdaq, any applicable fees for the account of Nasdaq. NASD agrees to provide Nasdaq with an accounting of such fees in January of each year. Nasdaq will reimburse NASD for reasonable expenses incurred for performing these accounting functions.

(5) Common Members will be required to send to NASD all letters, termination notices or other material relating to their associated persons.

(6) When, as a result of processing letters, termination notices, or other material relating to their associated persons, NASD becomes aware of a statutory disqualification with respect to a Common Member, NASD shall determine, pursuant to Section 15A(g) or Section 6(c) of the Act, the acceptability or continued acceptability of the person to whom such statutory disqualification applies, but will not make a determination regarding Nasdaq membership or participation, or association of a person with Nasdaq member. NASD shall advise Nasdaq in writing of its actions in this regard. Nasdaq shall, within 30 days of receiving such information from NASD, determine whether to permit a statutorily disqualified Common Member to become or to remain a Nasdaq member or a participant, or a person associated with a member. Nasdaq will advise NASD of its decision. Nasdaq will reimburse NASD for reasonable expenses incurred for notifying Nasdaq of the NASD's decision regarding a statutory disqualification under Section 15A(g) or Section 6(c) of the Act.

(b) Branch Office Activities. NASD will receive and process notices, filings, or registrations received regarding a Common Member's branch offices, including notices, filings, or registrations to designate offices of supervisory jurisdiction, and agrees to provide notice to Nasdaq of such filings. Nasdaq will reimburse NASD for reasonable expenses incurred for providing Nasdaq notification.

(c) Examinations. For the portion of those routine, cycle, cause, and special examinations that NASD will perform for Common Members under this Agreement, NASD will, upon request, provide copies of the relevant portion of such examination reports to Nasdaq. Nasdaq will reimburse NASD for reasonable expenses incurred for providing examination reports to Nasdaq. This undertaking is limited to examining Common Members for compliance with:

(1) The federal securities laws and the rules and regulations thereunder, except that it does not include examining any Common Member for compliance with financial responsibility rules on behalf of Nasdaq (unless the SEC has designated NASD as the DEA for the Common Member under Rule 17d–1);

(2) Other applicable federal laws, rules and regulations; and

(3) The rules of Nasdaq that are identical or substantially similar to NASD rules because they have been certified by Nasdaq as such.

(d) Violations.

(1) If NASD discovers an apparent violation of a federal statute or regulation or Nasdaq rule listed above in paragraph 5(c) for which NASD agrees to examine a Common Member for compliance, NASD shall investigate the apparent violation, notify Nasdaq of the results of the investigation and provide a copy of any written report, determine if additional regulatory action is required, take any disciplinary or other regulatory action required, and provide notice to Nasdaq at the termination of the matter by enforcement or other action. If a disciplinary proceeding is conducted by NASD, NASD will apply the NASD Code of Procedure (the Rule 9000 Series) and other applicable NASD procedural rules. Nasdaq will reimburse NASD for reasonable expenses incurred for providing any information, notices, or reports contemplated under this provision.

(2) If NASD discovers an apparent violation of a Nasdaq Rule not within the examination responsibility of NASD as described above in paragraph 5(c), NASD shall notify Nasdaq and refer the matter to Nasdaq for further examination, investigation, or enforcement or regulatory action, as determined by Nasdaq.

(e) Enforcement. For Common Members, NASD will enforce compliance with:

(1) The federal securities laws and the rules and regulations thereunder, except that it does not include examining any Common Member for compliance with financial responsibility rules on behalf of Nasdaq (unless the SEC has

designated NASD as the DEA for the Common Member under Rule 17d–1);

(2) Other applicable federal laws, rules and regulations; and

(3) The rules of Nasdaq that are identical or substantially similar to NASD Rules because they have been certified by Nasdaq as such.

6. *Information Sharing.* The parties agree to provide each other with the following information:

(a) General. A party shall promptly furnish to the other party any information that the party determines indicates possible financial, operational, or other problems of any Common Member, including, but not limited to, early warning indications of potential problems resulting from unusual accumulations or concentrations of securities positions or market fluctuations.

(b) Reports. Upon reasonable request, a party will make available promptly to a requesting party any financial, operational, or related report filed with the party by a Common Member, files, information on customer complaints, termination notices, copies of an examination report, investigative material, or other documents involving compliance with the federal securities laws and regulations and the rules of the parties by the Common Member, or other documents in the possession of the party receiving the request relating to the Common Member as necessary to assist the other party in fulfilling the self-regulatory responsibilities, obligations, and functions allocated under this Agreement. The parties agree that a party will make available promptly to the requesting party witnesses as necessary to assist the other party in fulfilling the self-regulatory responsibilities allocated under this Agreement. The non-requesting party will pay all reasonable travel and other expenses incurred by its employees to the extent that the requesting party requires such employees to serve as a witness, and provide information or other assistance pursuant to this Agreement.

(c) Customer Complaints. If a party receives a copy of a customer complaint relating to a Common Member's activity or conduct that is not the regulatory responsibility of the receiving party, the receiving party will forward to the other party copies of such customer complaints.

(d) Upon reasonable request of a party, the other party shall use reasonable efforts to furnish the requesting party information on informal or formal disciplinary actions involving a Common Member. The requesting party will reimburse the other party for reasonable expenses incurred for providing such information.

(e) Information-Miscellaneous. Where not otherwise provided, in consideration for NASD assuming any of the above referenced regulatory responsibilities and obligations of Nasdaq with respect to Common Members and thereafter providing information to Nasdaq in any form that is necessary or desirable to Nasdaq in order for Nasdaq to fulfill its regulatory obligations under the Act or in order for Nasdaq to remain informed of the actions of its members and associated persons, Nasdaq will reimburse NASD for all reasonable expenses incurred for providing such information.

7. *Special or Cause Examinations.* Nothing in this Agreement shall restrict or in any way encumber the right of a party to conduct special or cause examinations of Common Members as either party, in its sole discretion, shall deem appropriate or necessary.

8. *Fees.* NASD will provide Nasdaq with one hundred eighty (180) days advance written notice in the event that NASD decides to charge Nasdaq for any expenses incurred or services performed under this Agreement not otherwise set forth above. Nasdaq will have thirty (30) days from the date of such notification to inform NASD that Nasdaq will seek to terminate the Agreement pursuant to Section 17 thereof or enter into an agreement pursuant to applicable rules of the SEC with another SRO with respect to the performance of such responsibilities.

9. *Indemnification.* Neither party, including respective directors, governors, officers, employees and agents, will be liable to the other party and its directors, governors, officers, employees and agents for any liability, loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to its performing or failing to perform regulatory responsibilities, obligations, or functions, except as otherwise provided for under the Act or in instances of gross negligence, willful misconduct or reckless disregard, or breach of confidentiality. Both parties understand and agree with each other that the regulatory responsibilities are being performed on a good faith and best effort basis and no warranties, express or implied, are made by either party to the other party with respect to any of the responsibilities to be performed by either of these parties hereunder.

10. *Arbitration.* Any claim, dispute, controversy or other matter in question with regard to the Agreement that cannot be resolved by negotiation between the parties shall be submitted to arbitration in accordance with the rules and regulations of the American Arbitration Association; provided, however, that (a) submission of any such claim, dispute, controversy or other matter in question to the American Arbitration Association shall not be required if the parties agree upon another arbitration forum, (b) the foregoing shall not preclude either party from pursuing all available administrative, judicial or other remedies for infringement of a registered patent, trademark, service mark or copyright, (c) the parties shall not submit claims for punitive damages, and do hereby waive any right to the same, and (d) the arbitrators shall not be authorized to award punitive damages.

11. *SEC Approval.*

(a) The parties agree to file promptly this Agreement with the SEC for its review and approval.

(b) If approved by the SEC, Nasdaq will notify Common Members of the general terms of the Agreement and its impact on members. The notice will be sent on behalf of both parties and, prior to being sent, NASD will review and approve the notice.

13. *Definitions.* Unless otherwise defined in this Agreement, or unless the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Act and the rules and regulations thereunder.

14. *Subsequent Parties; Limited Relationship.* This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective legal representatives, successors, and assigns. Nothing in this Agreement, expressed or implied, is intended or shall (a) confer on any person other than the parties hereto, or their respective legal representatives, successors, and assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement, (b) constitute the parties hereto partners or participants in a joint venture, or (c) appoint one party the agent of the other.

15. *Assignment.* Neither party may assign the Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed; provided, however, that either party may assign the Agreement to a corporation controlling, controlled by or under common control with the assigning party without the prior written consent of the other party.

16. *Severability.* Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such

jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

17. *Termination.*

(a) Termination for Cause. Either party may terminate the Agreement due to breach by the other party. The party aggrieved by the breach shall give written notice to the other party that the Agreement shall be terminated not earlier than sixty (60) calendar days from receipt of the notice, and such notice shall state with specificity the grounds for termination. If the breach is curable, the party in breach will have the right to cure such breach prior to the date stated for termination, and, should the breach be cured and written notice of such cure served on the aggrieved party prior to the date stated for termination, such notice shall vacate the notice to terminate.

(b) Termination for Convenience. Either party may terminate the Agreement for any other reason by giving written notice to the other party that the Agreement will terminate not less than one hundred eighty (180 days) from receipt of the notice. The notice will specify the basis for termination. Nasdaq will pay NASD the amount due for expenses incurred for generating reports and notices as of the effective date of termination.

18. *General.* The parties agree to perform all acts and execute all supplementary instruments or documents that may be reasonably necessary or desirable to carry out the provisions of this Agreement.

19. *Liaison and Notices.* All questions regarding the implementation of this Agreement shall be directed to the persons identified in subsections (a) and (b), as applicable, below. All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given upon (i) actual receipt by the notified party or (ii) constructive receipt (as of the date marked on the return receipt) if sent by certified or registered mail, return receipt requested, to the following addresses:

(a) If to NASD: National Association of Securities Dealers, Inc. 1735 K Street, NW., Washington, DC 20006. Attn: NASD Regulation Office of General Counsel.

With, if a notice of breach or default, a required copy to: National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, DC 20006, Attn: Office of General Counsel—Contracts Group.

(b) If to Nasdaq: The NASDAQ Stock Market LLC, 9600 Blackwell Avenue, Rockville, MD 20850, Attn: The Nasdaq Stock Market LLC, Office of General Counsel.

With, if a notice of breach or default, a required copy to: The Nasdaq Stock Market LLC, Office of General Counsel.

20. *Regulatory Responsibility.* Pursuant to Section 17(d)(1)(A) of the Act, and Rule 17d–2 thereunder, NASD and Nasdaq jointly request the SEC, upon its approval of this Agreement, to relieve Nasdaq of any and all responsibilities with respect to the matters allocated to NASD pursuant to this Agreement for purposes of Sections 17(d) and 19(g) of the Act; provided, however, that Nasdaq will continue to have exclusive responsibility for ensuring the continued validity of the Nasdaq certifications made under Section 4 herein.

21. *Governing Law.* This Agreement shall be deemed to have been made in the State of New York, and shall be construed and enforced in accordance with the law of the State of New York, without reference to principles of conflicts of laws thereof. Each of the parties hereby consents to submit to the jurisdiction of the courts by or for the State of New York in connection with any action or proceeding relating to this Agreement.

22. *Survival of Provisions.* Provisions intended by their terms or context to survive and continue notwithstanding delivery of the Services by NASD, the payment of the price by Nasdaq, and any expiration of this Agreement shall survive and continue, including but not limited to, the items referred to in Sections 9 and 10.

The Nasdaq Stock Market LLC Rules Certification for 17D–2 Agreement With NASD

The Nasdaq Stock Market LLC hereby certifies that the requirements contained in the Nasdaq Stock Market rules listed below are identical to, or substantially similar to, NASD rules.

0100. GENERAL PROVISIONS
- 0110. Adoptions and Application of Rules
- 0113. Interpretation
- 0115. Applicability
- 0120. Definitions
- 0121. Definitions in By-Laws

1000. MEMBERSHIP, REGISTRATION AND QUALIFICATION REQUIREMENTS
- 1002. Qualifications of Nasdaq Members and Associated Persons
- IM–1002–1. Filing of Misleading Information as to Membership or Registration
- IM–1002–2. Status of Sole Proprietors and Registered Representatives Serving in the Armed Forces
- IM–1002–3. Failure to Register Personnel
- IM–1002–4. Branch Offices and Offices of Supervisory Jurisdiction
- 1010. Membership Proceedings Definitions
- 1011. Definitions
- 1012. General Provisions
- 1013. New Member Application and Interview
- 1014. Department Decision
- 1017. Application for Approval of Change in Ownership, Control, or Business Operations
- 1020. Registration of Principals
- 1021. Registration Requirements
- 1022. Categories of Principal Registration
- IM–1022–2. Limited Principal—General Securities Sales Supervisor
- 1030. Registration of Representatives
- 1031. Registration Requirements
- 1032. Categories of Representative Registration
- 1040. Registration of Assistant Representatives—Order Processing
- 1041. Registration Requirements
- 1042. Restrictions
- 1050. Research Analysts
- 1060. Persons Exempt from Registration
- 1070. Qualification Examinations and Waiver of Requirements
- 1080. Confidentiality of Examinations
- 1090. Foreign Members
- 1100. Foreign Associates
- 1120. Continuing Education Requirements
- 1130. Reliance on Current Membership List
- 1140. Electronic Filing Rules
- 1150. Executive Representative

2000. BUSINESS CONDUCT
- 2100. GENERAL STANDARDS
- 2110. Standards of Commercial Honor and Principles of Trade
- IM–2110–2. Trading Ahead of Customer Limit Orders
- IM–2110–3. Front Running Policy
- IM–2110–4. Trading Ahead of Research Reports
- IM–2110–5. Anti-Intimidation/Coordination
- IM–2110–6. Confirmation of Callable Common Stock
- IM–2110–7. Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes
- 2111. Trading Ahead of Customer Market Orders
- 2120. Use of Manipulative, Deceptive or Other Fraudulent Devices

2200. COMMUNICATIONS WITH CUSTOMERS AND THE PUBLIC

2210. Communications with the Public
IM–2210–1. Guidelines to Ensure That Communications With the Public Are Not Misleading
IM–2210–4. Limitations on Use of Nasdaq's Name
2211. Institutional Sales Material and Correspondence
2212. Telemarketing
2240. Disclosure of Control Relationship with Issuer
2250. Disclosure of Participation or Interest in Primary or Secondary Distribution
2260. Forwarding of Proxy and Other Materials
IM–2260. Suggested Rates of Reimbursement
2270. Disclosure of Financial Condition to Customers
2300. TRANSACTIONS WITH CUSTOMERS
2310. Recommendations to Customers (Suitability)
IM–2310–2. Fair Dealing with Customers
IM–2310–3. Suitability Obligations to Institutional Customers
2320. Best Execution and Interpositioning
2330. Customers' Securities or Funds
IM–2330. Segregation of Customers' Securities
2340. Customer Account Statements
2341. Margin Disclosure Statement
2360. Approval Procedures for Day Trading Accounts
2361. Day-Trading Risk Disclosure Statement
2370. Borrowing From or Lending to Customers
2400. COMMISSIONS, MARK-UPS AND CHARGES
2430. Charges for Services Performed
2460. Payments for Market Making
2500. SPECIAL ACCOUNTS
2510. Discretionary Accounts
2520. Margin Requirements
2800. SPECIAL PRODUCTS
2810. Direct Participation Programs
2830. Investment Company Securities
2840. Trading in Index Warrants, Currency Index Warrants, and Currency Warrants
2841. General
2842. Definitions
2850. Position Limits
2851. Exercise Limits
2852. Reporting Requirements
2853. Liquidation of Index Warrant Positions
2854. Trading Halts or Suspensions
2900. RESPONSIBILITIES TO OTHER BROKERS OR DEALERS
2910. Disclosure of Financial Condition to Other Members
3000. RESPONSIBILITIES RELATING TO ASSOCIATED PERSONS, EMPLOYEES, AND OTHERS' EMPLOYEES
3010. Supervision
IM–3010. Guidance on Heightened Supervision Requirements
3011. Anti-Money Laundering Compliance Program
3012. Supervisory Control System
3013. Annual Certification of Compliance and Supervisory Processes
IM–3013. Annual Compliance and Supervision Certification
3020. Fidelity Bonds
3030. Outside Business Activities of an Associated Person
3040. Private Securities Transactions of an Associated Person
3050. Transactions for or by Associated Persons
3060. Influencing or Rewarding Employees of Others
3070. Reporting Requirements
3080. Disclosure to Associated Persons When Signing Form U–4
3090. Transactions Involving Nasdaq Employees
3100. BOOKS AND RECORDS, AND FINANCIAL CONDITION
3110. Books and Records
IM–3110. Customer Account Information
3120. Use of Information Obtained in Fiduciary Capacity
3121. Custodian of the Record
3130. Regulation of Activities of Members Experiencing Financial and/or Operational Difficulties
IM–3130. Restrictions on Member's Activity
3140. Approval of Change in Exempt Status Under SEC Rule 15c3–3
3150. Reporting Requirements for Clearing Firms
IM–3150. Exemptive Relief
3200. SETTLEMENTS
3220. Adjustment of Open Orders
3230. Clearing Agreements
3300. TRADING
3310. Publication of Transactions and Quotations
IM–3310. Manipulative and Deceptive Quotations
3320. Offers at Stated Prices
3330. Payment Designed to Influence Market Prices, Other than Paid Advertising
3370. Prompt Receipt and Delivery of Securities
3500. EMERGENCY PREPAREDNESS
3510. Business Continuity Plans
3520. Emergency Contact Information
6000. OTHER SYSTEMS AND PROGRAMS
6400. TRANSACTIONS IN SECURITIES TRADED PURSUANT TO UNLISTED TRADING PRIVILEGES
6430. Suspension of Trading
6440. Trading Practices
6500. PORTAL®
6530. Requirements Applicable to Nasdaq Members
6531. Limitations on Transactions in PORTAL Securities
6532. Reporting Debt and Equity Transactions in PORTAL Securities
6950. ORDER AUDIT TRAIL SYSTEM
6951. Definitions
6952. Applicability
6953. Synchronization of Member Business Clocks
6954. Recording of Order Information
6955. Order Data Transmission Requirements
6956. Violation of Order Audit Trail System Rules
6957. Effective Date
8000. INVESTIGATIONS AND SANCTIONS
8100. GENERAL PROVISIONS
8110. Availability of Manual to Customers
8120. Definitions
10000. CODE OF ARBITRATION PROCEDURE 10100. Jurisdiction
IM–10100. Failure to Act Under Provisions of Code of Arbitration Procedure
10101. Matters Eligible for Submission
10102. Non-Waiver of Nasdaq Objects and Purposes
11000. UNIFORM PRACTICE CODE
11100. Scope of Uniform Practice Code
11110. Nasdaq Regulation
IM–11110. Refusal to Abide by Rulings of Nasdaq Regulation
11120. Definitions
11130. When, As and If Issued/Distributed Contracts
IM–11130. Standard Form of ''When, As and If Issued'' or ''When, As and If Distributed'' Contract
11140. Transactions in Securities ''Ex-Dividend,'' ''Ex-Rights'' or ''Ex-Warrants''
11150. Transactions ''Ex-Interest'' in Bonds Which Are Dealt in ''Flat''
11160. ''Ex'' Liquidating Payments
11170. Transactions in ''Part-Redeemed'' Bonds
11190. Reconfirmation and Pricing Service Participants
11200. COMPARISONS OR CONFIRMATIONS AND ''DON'T KNOW NOTICES''
11210. Sent By Each Party
IM–11210. Uniform Comparison Form
11220. Description of Securities
11300. DELIVERY OF SECURITIES
11310. Book-Entry Settlement
11320. Dates of Delivery
11330. Payment
11340. Stamp Taxes
11350. Part Delivery
11360. Units of Delivery
IM–11360. Uniform Delivery Ticket

Form
11361. Units of Delivery—Stocks
11362. Units of Delivery—Bonds
11363. Units of Delivery—Unit Investment Trust Securities
11364. Units of Delivery—Certificates of Deposit for Bonds
IM–11364. Trading Securities As ''Units'' or Bonds ''With Stock''
11400. DELIVERY OF SECURITIES WITH DRAFT ATTACHED
11410. Acceptance of Draft
11500. DELIVERY OF SECURITIES WITH RESTRICTIONS
11510. Delivery of Temporary Certificates
11520. Delivery of Mutilated Securities
11530. Delivery of Securities Called for Redemption or Which Are Deemed Worthless
11540. Delivery Under Government Regulations
11550. Assignments and Powers of Substitution; Delivery of Registered Securities
IM–11550. Uniform Transfer Instructions Form
11560. Certificate of Company Whose Transfer Books Are Closed
IM–11560. Sample Ownership Transfer Indemnification Stamp
11570. Certificates in Various Names
11571. Certificate in Name of Corporation
IM–11571. Sample Certificate and Authorizing Resolution/Certificate of Incumbency
11572. Certificate in Name of Firm
11573. Certificate in Name of Dissolved Firm Succeeded by New Firm
11574. Certificate in Name of Deceased Person, Trustee, etc.
IM–11574. Sample Limited Partnership Change of Trustee Form
11600. DELIVERY OF BONDS AND OTHER EVIDENCES OF INDEBTEDNESS
11610. Liability for Expenses
11620. Computation of Interest
11630. Due-Bills and Due-Bill Checks
IM–11630. Sample Due-Bill Forms
11640. Claims for Dividends, Rights, Interest, etc.
11650. Transfer Fees
11700. RECLAMATIONS AND REJECTIONS
11710. General Provisions
IM–11710. Uniform Reclamation Form
11720. Irregular Delivery—Transfer Refused—Lost or Stolen Securities
IM–11720. Obligations of Members Who Discover Securities in Their Possession to Which They Are Not Entitled
11730. Called Securities
11740. Marking to the Market
800. CLOSE-OUT PROCEDURES
11810. Buying-In
IM–11810. Sample Buy-In Forms
11820. Selling-Out
11840. Rights and Warrants
IM–11840. Sample Letter of Indemnity
11860. Acceptance and Settlement of COD Orders
11870. Customer Account Transfer Contracts
IM–11870. Sample Transfer Instruction Forms
11880. Settlement of Syndicate Accounts

III. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to Section 17(d)(1) of the Act[9] and Rule 17d–2 thereunder,[10] after May 8, 2006, the Commission may, by written notice, declare the plan submitted by Nasdaq and NASD, File No. 4–517, effective if the Commission finds that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in Section 17(d) of the Act.

IV. Solicitation of Comments

In order to assist the Commission in determining whether to approve this plan and to relieve Nasdaq of those responsibilities designated to NASD, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*), or

• Send an e-mail to *rule-comments@sec.gov*. Please include File Number 4–517 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 4–517. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the plan also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–517 and should be submitted on or before May 8, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–5693 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78q(d)(1).

[10] 17 CFR 240.17d–2.

[11] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53623; File No. 4–514]

Self-Regulatory Organizations; Order Approving Minor Rule Violation Plan for The NASDAQ Stock Market LLC

April 10, 2006.

On February 22, 2006, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed minor rule violation plan (''MRVP'') pursuant to Section 19(d)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19d–1(c)(2) thereunder.[2] The proposed MRVP was published for public comment on March 16, 2006.[3] The Commission received no comments on the proposal. This order approves Nasdaq's proposed MRVP.

[1] 15 U.S.C. 78s(d)(1).

[2] 17 CFR 240.19d–1(c)(2).

[3] *See* Securities Exchange Act Release No. 53428 (March 7, 2006), 71 FR 13645.

Nasdaq's MRVP specifies those uncontested minor rule violations with sanctions not exceeding $2,500 which would not be subject to the provisions of Rule 19d–1(c)(1) under the Act[4] requiring that a self-regulatory organization promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization.[5] In accordance with paragraph (c)(2) of Rule 19d–1 of the Act, Nasdaq proposes to designate certain specified rule violations as minor rule violations, and requests that it be relieved of the reporting requirements regarding such violations, provided it gives notice of such violations to the Commission on a quarterly basis. Nasdaq proposes to include in its proposed MRVP the policies and procedures currently included in Nasdaq Rule 9216(b) (''Procedure for Violations Under Plan Pursuant to SEC Rule 19d–1(c)(2)'') and the rule violations currently included in Nasdaq Rule IM–9216 (''Violations Appropriate for Disposition Under Plan Pursuant to SEC Rule 19d–1(c)(2)'').[6]

Pursuant to Nasdaq's proposed MRVP, under Rule 9216(b) and IM–9216, Nasdaq or the Nasdaq Review Counsel may impose a fine (not to exceed $2,500) and/or a censure on a member or an associated person with respect to any rule listed in IM–9216. If the person against whom the fine or censure is imposed does not dispute the violation, the Department of Enforcement or the Department of Market Regulation may prepare and request that such person execute a minor rule violation plan letter. In such a letter, the member or associated person accepts a finding of violation, consents to the imposition of sanctions, and agrees to waive the right to a hearing before a Hearing Panel (or, if applicable, an Extended Hearing Panel); any right of appeal to the Nasdaq Review Council, the Commission, or the courts; and any other challenge to the validity of the letter. The letter will describe the act or practice engaged in or omitted; the rule, regulation, or statutory provision violated; and the sanction or sanctions to be imposed.

If a member or associated person executes the minor rule violation plan letter, the letter is submitted to the Nasdaq Review Council. The Office of Disciplinary Affairs may accept the letter or refer it to the Nasdaq Review Council for acceptance or rejection. Similarly, the Review Subcommittee of the Nasdaq Review Council may accept or reject the letter or refer it to the Nasdaq Review Council for acceptance or rejection. If the letter is rejected, Nasdaq may take any other appropriate disciplinary action with respect to the alleged violation or violations.

Nasdaq proposed that the quarterly report of actions taken on minor rule violations under Rule 9216(b) and IM–9216 would list for each violation: Nasdaq's internal file number for the case, the name of the individual and/or organization, the nature of the violation, the specific rule provision(s) violated, the sanction imposed, the number of times the rule violation has occurred, and the date of disposition.

The Commission finds that the proposed MRVP is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[7] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments and to 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 Commission also believes that that proposal is consistent with Sections 6(b)(1) and 6(b)(6) of the Act[8] which require that the rules of an exchange enforce compliance with, and provide appropriate discipline for, violations of the Commission and Exchange rules. In addition, because the MRVP offer procedural rights to a person sanctioned under Rule 9216(b), the Commission believes that Rule 9216(b) provides a fair procedure for the disciplining of members and persons associated with members, consistent with Sections 6(b)(7) and 6(d)(1) of the Act.[9]

Finally, the Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act,[10] because the MRVP strengthens Nasdaq's ability to carry out its oversight and enforcement responsibilities as a self-regulatory organization in cases where full disciplinary proceedings are unsuitable in view of the minor nature of the particular violation.

In approving this proposal, the Commission in no way minimizes the importance of compliance with Exchange rules and all other rules subject to the imposition of sanctions under Rule 9216(b). The Commission believes that the violation of any self-regulatory organization's rules, as well as Commission rules, is a serious matter. However, Rule 9216(b) provides a reasonable means of addressing violations that do not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that Nasdaq will continue to conduct surveillance with due diligence and make a determination based on its findings, on a case-by-case basis, whether a sanction under the MRVP is appropriate, or whether a violation requires formal disciplinary action.

It is therefore ordered, pursuant to Rule 19d–1(c)(2) under the Act,[11] that the proposed MRVP for Nasdaq, File No. 4–514, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Nancy M. Morris,

Secretary.

[FR Doc. E6–5653 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

[4] 17 CFR 240.19d–1(c)(1).

[5] The Commission adopted amendments to paragraph (c) of Rule 19d–1 to allow self-regulatory organizations (''SROs'') to submit for Commission approval plans for the abbreviated reporting of minor disciplinary infractions. *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23828 (June 8, 1984). Any disciplinary action taken by an SRO against any person for violation of a rule of the SRO which has been designated as a minor rule violation pursuant to such a plan filed with the Commission shall not be considered ''final'' for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

[6] On January 13, 2006, the Commission approved Nasdaq's application for registration as a national securities exchange, including the rules governing the Nasdaq exchange. Securities Exchange Act Release No. 53128, 71 FR 3550 (January 23, 2006). In the approval order, the Commission noted that Nasdaq Rule 9216(b) and IM–9216 provided for the imposition of fines for minor rule violations pursuant to a minor rule violation plan. Accordingly, the Commission noted that as a condition to the operation of the Nasdaq Exchange, Nasdaq must file a minor rule violation plan with the Commission. Nasdaq represented that modifications may be made to IM–9216 in the future. Nasdaq proposed that when amendments to IM–9216 are made pursuant to a rule filing submitted under Rule 19b–4 of the Act, such a filing would automatically be deemed a request by Nasdaq for Commission approval of a modification to its MRVP.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(1) and 78f(b)(6).

[9] 15 U.S.C. 78f(b)(7) and 78f(d)(1).

[10] 17 CFR 240.19d–1(c)(2).

[11] *Id.*

[12] 17 CFR 200.30–3(a)(44).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53629; File No. SR–CBOT–2006–02]

Self-Regulatory Organizations; Board of Trade of the City of Chicago, Inc.; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change Relating to Security Futures Market Maker Registration Policy and Procedures

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 March 16, 2006, the Board of Trade of the City of Chicago, Inc. (''CBOT'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOT. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOT proposes to adopt a new Security Futures Market Maker Registration Policy and Procedures. The text of the proposed rule change appears below. New language is in *italics.*

* * * * *

Chicago Board of Trade Security Futures Market Maker

Registration Policy and Procedures

Security Futures Market Maker Program

Pursuant to CBOT® Rule 225.00, the Exchange has adopted a security futures market maker program under which an individual member or member firm (each referred to as a ''member'' herein) may be registered with the CBOT as a ''Security Futures Dealer'' with respect to one or more security futures contracts traded on the Exchange, to provide liquidity and orderliness in the market for such contracts. In order to be registered as a Security Futures Dealer, the member must complete and file with the Exchange, a CBOT Security Futures Dealer Registration Form (attached below). The member will be required to identify all CBOT security futures contracts for which it seeks to be registered as a Security Futures Dealer and to elect one of the categories of market maker obligations set forth in CBOT Regulation 431.07(c), which are described below. By signing the Registration Form, the member will confirm that it meets and will continue to meet the requirements to act as a security futures market maker under CBOT Rules and Regulations.

Market Maker Exclusion From Security Futures Customer Margin Requirements

A member that is a security futures market maker will be excluded from the security futures customer margin requirements set forth in CBOT Regulation 431.07, if the member meets all of the following qualifications:

(i) The member must be registered with the Exchange as a dealer in security futures as defined in Section 3(a)(5) of the Securities Exchange Act of 1934 (''Exchange Act''); and

(ii) The member must be registered as a floor broker or a floor trader under section 4f(a)(1) of the Commodity Exchange Act (''CEA''), or be registered as a dealer with the Securities and Exchange Commission (''SEC'') under Section 15(b) of the Exchange Act; and

(iii) The member must maintain records sufficient to prove compliance with the requirements set forth in CBOT Regulation 431.07 and Commodity Futures Trading Commission (''CFTC'') Regulation 41.42(c)(2)(v) or SEC Regulation 242.400(c)(2)(v), as applicable, including without limitation, trading account statements and other financial records sufficient to detail activity; and

(iv) The member must hold itself out as being willing to buy and sell security futures for its own account on a regular or continuous basis.

CBOT Regulation 431.07 also provides that any market maker that fails to comply with applicable CBOT, CFTC, or SEC Rules or Regulations, shall be subject to disciplinary action in accordance with Chapter 5 of the CBOT Rulebook. Appropriate sanctions in the case of any such failure shall include, without limitation, a revocation of the market maker's registration with the Exchange as a Security Futures Dealer.

Market Maker Categories

CBOT Regulation 431.07(c) specifies three alternative ways for a member to satisfy the requirement that a market maker hold itself out as being willing to buy and sell security futures for its own account on a regular or continuous basis. Each member seeking market maker designation must register for one of the following three market maker categories and will undertake to perform all of the obligations set forth in the elected category:

Category 1 (CBOT Regulation 431.07(c)(1))

The market maker will provide continuous two-sided quotations throughout the trading day for all delivery months of security futures contracts representing a meaningful proportion of the total trading volume of security futures contracts on the Exchange, subject to relaxation during unusual market conditions as determined by the Exchange (such as a fast market in either a security futures contract or a security underlying a security futures contract) at which times the market maker must use its best efforts to quote continuously and competitively. The market maker must provide quotations for a minimum quantity of one (1) contract with a maximum bid/ask spread of no more than the greater of $0.20 or 150% of the bid/ask spread in the primary market for the underlying security.*

Category 2 (CBOT Regulation 431.07(c)(2))

The market maker will respond to at least 75% of the requests for quotation for all delivery months of security futures contracts representing a meaningful proportion of the total trading volume of security futures contracts on the Exchange, subject to relaxation during unusual market conditions as determined by the Exchange (such as a fast market in either a security futures contract or a security underlying a security futures contract) at which times the market maker must use its best efforts to quote competitively. When responding to requests for quotation, the market maker must quote within five seconds for a minimum quantity of one (1) contract with a maximum bid/ask spread of no more than the greater of $0.20 or 150% of the bid/ask spread in the primary market for the underlying security.*

Category 3 (CBOT Regulation 431.07(c)(3))

(i) The market maker will be assigned to a group of security futures contracts listed on the Exchange that is either unlimited in nature (''Unlimited Assignment'') or will be assigned to no more than 20% of the security futures contracts listed on the Exchange (''Limited Assignment''); and

(ii) At least 75% of the market maker's total trading activity in CBOT

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

* *Beginning on the 181st calendar day after the commencement of trading of security futures contracts on the Exchange, a ''meaningful proportion of the total trading volume of security futures contracts on the Exchange'' will mean a minimum of 20% of such trading volume.*

security futures contracts must be in its assigned security futures contracts, measured on a quarterly basis; and

(iii) During at least 50% of the trading day, the market maker must have bids or offers in the market that are at or near the best market, except in unusual market conditions as determined by the Exchange (such as a fast market in either a security futures contract or a security underlying a security futures contract), with respect to at least 25% (in the case of an Unlimited Assignment) or at least one (1) (in the case of a Limited Assignment) of its assigned security futures contracts; and

(iv) The requirements in (ii) and (iii) must be satisfied on at least the following percentages of trading days in each calendar quarter:

(a) 90% (in the case of an Unlimited Assignment);

(b) 80% (in the case of a Limited Assignment); or

(c) 80% (in the case of either an Unlimited Assignment or a Limited Assignment if the Exchange is listing four or fewer security futures contracts).

Qualification for ''60/40'' Tax Treatment

To qualify as a ''dealer'' in security futures contracts within the meaning of section 1256(g)(9) of the Internal Revenue Code of 1986, as amended (''Code''), a member is required to:

(i) Register as a Security Futures Dealer for purposes of the Exchange's security futures margin rules under Category 1 or Category 2 above; and

(ii) Undertake in its registration form to provide quotations for all products specified for the market maker exclusion from the CBOT security futures margin rules; and

(iii) Quote a minimum size of:

(a) Ten (10) contracts for each security futures product not covered by (b) or (c) below;

(b) Five (5) contracts for each security futures product specified by the member to the extent such quotations are provided for delivery months other than the next two delivery months then trading; and

(c) One (1) contract for any single stock futures contract where the average market price for the underlying security was $100 or higher for the preceding calendar month or for any futures contract on a narrow-based security index, as defined by section 1a(25) of the CEA.

Products

As noted above, in completing the CBOT Security Futures Dealer Registration Form, a member must specify all CBOT security futures contracts for which it intends to act as a market maker. The Exchange will assign to the member all of the security futures contracts listed, unless the CBOT provides written notice to the member identifying any security futures contracts for which such assignment is not being granted. A member may change the list of contracts for which it undertakes to act as a market maker for any calendar quarter by filing a revised CBOT Security Futures Dealer Registration Form with the Exchange on any business day prior to the last trading day of the quarter, and the change shall be effective retroactive to the first trading day of the quarter. Each market maker shall be responsible for maintaining books and records that confirm that it has fulfilled its quarterly obligations under the market maker category specified on its Registration Form with respect to all CBOT security futures contracts assigned for that calendar quarter.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to CBOT Rule 225.00, the Exchange has adopted a security futures market maker program under which an individual member or member firm (each referred to as a ''member'' herein) may be registered with the CBOT as a Security Futures Dealer [3] with respect to one or more security futures contracts traded on the Exchange to provide liquidity and orderliness in the market for such contracts. The proposed rule change sets forth the procedures necessary for members to be registered as CBOT Security Futures Dealers and the policies that apply to such registration.

The proposed rule change restates the qualifications that members must meet under proposed CBOT Regulation 431.07 to qualify for the market maker exclusion from CBOT security futures customer margin requirements.[4] In addition, the proposed rule change reminds members that failure to comply with applicable CBOT rules or regulations or rules or regulations under the Act or the Commodity Exchange Act (''CEA'') is subject to disciplinary action under Chapter 5 of the Exchange's Rulebook. The appropriate sanctions for any such failure include, without limitation, revocation of the market maker's registration as a CBOT Security Futures Dealer.

Under the proposed rule change, a member who wishes to be a security futures market maker entitled to exclusion from the security futures customer margin requirements must file a CBOT Security Futures Dealer Registration Form with the Exchange. The registration form requires members to identify all CBOT security futures contracts for which they are seeking assignment as market makers, as well as the qualifying market maker category under proposed CBOT Regulation 431.07(c). By signing the registration form, the member confirms that it meets and will continue to meet the requirements to act as a security futures market maker under the Exchange's rules. The registration form requires members to list all CBOT security futures contracts for which they will act as market makers. The registration form also requires a member to identify the qualifying market maker category under proposed CBOT Regulation 431.07(c).[5]

The proposed rule change establishes that the Exchange will assign to the member all security futures contracts listed on its registration form, unless the Exchange provides written notice to the member identifying any security futures contracts for which such assignment is not being granted. Under the proposed rule change, for any calendar quarter, a market maker may change the list of security futures contracts to which it is assigned by filing a revised CBOT Security Futures Dealer Registration Form prior to the last trading day in the calendar quarter. Such change in contract designation will be effective

[3] A Security Futures Dealer is defined in proposed CBOT Regulation 431.07, which is the subject of SR–CBOT–2006–01. The Commission is today approving SR–CBOT–2006–01. *See* Securities Exchange Act Release No. 53626 (''Customer Margin Requirements Approval Order'').

[4] *See id.*

[5] Under proposed CBOT Regulation 431.07(c), there are three alternative ways for a member to satisfy the requirement that a security futures dealer hold itself out as being willing to buy and sell security futures for its own account on a regular or continuous basis. *See* Customer Margin Requirements Approval Order, *supra* note 3.

retroactive to the first trading day of such quarter. The proposed rule change also makes clear that each market maker is responsible for maintaining books and records that confirm that it has fulfilled its quarterly obligations under the market maker category specified on its registration form for all assigned security futures contracts for that quarter. Specifically, the proposal states that a security futures market maker must maintain records sufficient to prove compliance with the requirements set forth in proposed CBOT Regulation 431.07 and applicable regulations under the Act and the CEA, including without limitation, trading account statements and other financial records sufficient to detail activity.

The proposed rule change sets forth the requirements that must be met to qualify as a ''dealer'' in security futures contracts within the meaning of section 1256(g)(9) of the Internal Revenue Code of 1986, as amended (''Code'').[6] Under the proposed rule change, to qualify as a dealer within the meaning of the Code, a member must: (i) Register as a CBOT Security Futures Dealer for purposes of the Exchange's security futures customer margin rules under Category 1 or Category 2 (proposed CBOT Regulation 431.07(c)(1) or (c)(2)); (ii) undertake in its registration form to provide quotations for all contracts specified for the market maker exclusion from the Exchange's security futures customer margin rules; and (iii) quote a minimum size of:

(a) Ten (10) contracts for each security futures product not covered by (b) or (c) below;

(b) Five (5) contracts for each security futures product specified by the market maker to the extent such quotations are provided for delivery months other than the next two delivery months then trading; and

(c) One (1) contract for any single stock futures contract where the average market price for the underlying security was $100 or higher for the preceding calendar month or for any futures contract on a narrow-based security index, as defined by section 1a(25) of the CEA.[7]

2. Statutory Basis

The CBOT believes that the proposal is consistent with section 6(b) of the Act,[8] in general, and section 6(b)(5) of the Act,[9] in particular, which requires, among other things, that exchange rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change establishes procedures and policies for its security futures market maker program, which, according to the Exchange, are designed to provide liquidity and orderliness in the markets for CBOT security futures contracts. Thus, the CBOT believes that the proposed rule change promotes just and equitable principles of trade and protects investors and the public interest.

B. Statement of Burden on Competition

The CBOT 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. Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited or received any written comments regarding the proposed rule change, nor will any such comments be solicited.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*);
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOT–2006–02 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–CBOT–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 Section. Copies of such filing also will be available for inspection and copying at the principal office of the CBOT. All comments received will be posted without change; the Commission does not edit identifying personal information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CBOT–2006–02 and should be submitted on or before May 8, 2006.

IV. Commission Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission believes that the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of the Exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest. In addition, the Commission believes that the proposed rule change is consistent with section 7(c)(2)(B) of the Act,[12] which provides, among other things, that the margin requirements for securities futures must preserve the financial integrity of markets trading security futures and prevent systemic risk. The Commission also believes that the proposed rule change is consistent with Rule 400(c)(2)(v) under the Act,[13] which permits a national securities exchange to adopt rules containing specific requirements for security futures dealers to qualify for an exclusion from the margin requirements for securities futures under section 7(c)(2)(B) of the Act.[14] The Commission believes that the proposed obligations for market makers satisfy this requirement. Specifically, the

[6] 26 U.S.C. 1256(g)(9).

[7] 7 U.S.C. 1a(25).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] In approving the proposed rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78g(c)(2)(B).

[13] 17 CFR 242.400(c)(2)(v).

[14] 15 U.S.C. 78g(c)(2)(B).

Commission believes that the Exchange's market maker registration policy and procedures, and the qualification requirements for ''60/40'' tax treatment, should help ensure that market makers provide liquidity and orderliness in the CBOT market.

The CBOT has requested that the Commission approve the proposed rule change prior to the thirtieth day after publication of notice of the filing in the **Federal Register**. The Commission believes that the market maker registration policy and procedures and the qualification requirement for ''60/40'' tax treatment are an extension of the obligations adopted in connection with the CBOT's customer margin rules, which set forth the standards under which a CBOT member may be excluded from the Exchange's margin requirements as a ''market maker,'' and therefore should raise no novel regulatory issues related to margin requirements.[15] Furthermore, the Commission notes that the proposed rule change is substantially similar to OneChicago, LLC's market maker registration policy and procedures, which were approved by the Commission. Accordingly, the Commission finds good cause, consistent with section 19(b)(2) of the Act,[16] to approve the proposed rule change prior to the thirtieth day after publication of the notice of filing thereof in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act [17] that the proposed rule change (SR–CBOT–2006–02) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Nancy M. Morris,

Secretary.

[FR Doc. E6–5611 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

[15] *See* Securities Exchange Act Release No. 50115 (July 29, 2004) 69 FR 48261 (August 9, 2004).

[16] 15 U.S.C. 78s(b)(2).

[17] *Id.*

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53626; File No. SR–CBOT–2006–01]

Self-Regulatory Organizations; Board of Trade of the City of Chicago, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to Customer Margin Requirements for Security Futures

April 10, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 2, 2006, the Board of Trade of the City of Chicago, Inc. (''CBOT®'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to establish procedures relating to the determination and administration of customer margin for security futures positions established on the Exchange and maintained in futures accounts. Further, the proposed regulations define the applicability of these requirements, specifically excluding qualifying security futures dealers from customer security futures margin requirements and related regulatory requirements. The text of the proposed rule change is below. New text is italicized.

* * * * *

New Regulation 431.07 Customer Margins for Security Futures Positions Held in Futures Accounts

Margin requirements associated with Security Futures positions, which result from transactions made on the Exchange on behalf of Customers, and which are held in a futures account, shall be determined and administered in accordance with the Rules and Regulations of the Exchange, and in compliance with CFTC Regulations 41.42 through 41.49 and SEC Regulations 242.400 through 242.406. With regard to such Security Futures positions, if Exchange Rules or Regulations are inconsistent with CFTC Regulations 41.42 through 41.49 and SEC Regulations 242.400 through 242.406, including any successor Regulations, the CFTC and SEC Regulations shall prevail.

(a) Initial and maintenance margin rates used in determining Exchange margin requirements applicable to Security Futures that are held on behalf of Customers in a futures account, shall be established at levels no lower than those prescribed by CFTC Regulation 41.45 and SEC Regulation 242.403, including any successor Regulations.

(b) As used in this Regulation, the term ''Customer'' does not include (a) an ''exempted person'' as defined in CFTC Regulation 41.43(a)(9) and SEC Regulation 242.401(a)(9); or (b) Market Makers as defined below.

(c) A Person shall be a ''Market Maker'' for purposes of this Rule, and shall be excluded from the requirements set forth in CFTC Regulations 41.42 through 41.49 and SEC Regulations 242.400 through 242.406, as applicable, in accordance with CFTC Regulation 41.42(c)(2)(v) and SEC Regulation 242.400(c)(2)(v), with respect to all trading in Security Futures for its own account, if such Person is an Exchange Member that is registered with the Exchange as a ''Security Futures Dealer.''

Each such Market Maker shall: (a) be a member of the Exchange and be registered as a floor trader or a floor broker with the CFTC under Section 4f(a)(1) of the CEA or be registered as a dealer with the SEC under Section 15(b) of the Exchange Act; (b) maintain records sufficient to prove compliance with the requirements set forth in this Regulation and CFTC Regulation 41.42(c)(2)(v) or SEC Regulation 242.400(c)(2)(v), as applicable, including without limitation, trading account statements and other financial records sufficient to detail activity; and (c) hold itself out as being willing to buy and sell Security Futures for its own account on a regular or continuous basis.

A Market Maker satisfies condition (c) above if any of the following three requirements are fulfilled:

(1) The Market Maker:

(i) Provides continuous two-sided quotations throughout the trading day for all delivery months of Security Futures Contracts representing a meaningful proportion of the total trading volume of Security Futures Contracts on the Exchange, subject to relaxation during unusual market conditions as determined by the Exchange (such as a fast market in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

either a Security Futures Contract or a security underlying a Security Futures Contract) at which times the Market Maker must use its best efforts to quote continuously and competitively; and

(ii) When providing quotations, quotes with a maximum bid/ask spread of no more than the greater of $0.20 or 150% of the bid/ask spread in the primary market for the security underlying each Security Futures Contract.

(2) The Market Maker:

(i) Responds to at least 75% of the requests for quotation for all delivery months of Security Futures Contracts representing a meaningful proportion of the total trading volume of Security Futures Contracts on the Exchange, subject to relaxation during unusual market conditions as determined by the Exchange (such as a fast market in either a Security Futures Contract or a security underlying a Security Futures Contract) at which times the Market Maker must use its best efforts to quote competitively; and

(ii) When responding to requests for quotation, quotes within five seconds with a maximum bid/ask spread of no more than the greater of $0.20 or 150% of the bid/ask spread in the primary market for the security underlying each Security Futures Contract.

(3) The Market Maker:

(i) Is assigned to a group of Security Futures Contracts listed on the Exchange that is either unlimited in nature (''Unlimited Assignment'') or is assigned to no more that 20% of the Security Futures Contracts listed on the Exchange (''Limited Assignment''); and

(ii) At least 75% of the Market Maker's total trading activity in Exchange Security Futures Contracts is in its assigned Security Futures Contracts, measured on a quarterly basis; and

(iii) During at least 50% of the trading day, the Market Maker has bids or offers in the market that are at or near the best market, except in unusual market conditions as determined by the Exchange (such as a fast market in either a Security Futures Contract or a security underlying a Security Futures Contract), with respect to at least 25% (in the case of an Unlimited Assignment) or at least one (in the case of a Limited Assignment) of its assigned Security Futures Contracts; and

(iv) The requirements in (ii) and (iii) are satisfied on (a) at least 90% of the trading days in each calendar quarter by Market Makers who have undertaken an Unlimited Assignment; or (b) at least 80% of the trading days in each calendar quarter by Market Makers who have undertaken a Limited Assignment; or (c) on at least 80% of the trading days in each calendar quarter by Market Makers who have undertaken either an Unlimited Assignment or Limited Assignment but where the Exchange is listing four (4) or fewer Security Futures Contracts.

For purposes of clauses (1) and (2) above, beginning on the 181st calendar day after the commencement of trading of Security Futures Contracts on the Exchange, a ''meaningful proportion of the total trading volume of Security Futures Contracts on the Exchange'' shall mean a minimum of 20% of such trading volume.

Any Market Maker that fails to comply with the applicable Rules of the Exchange, CFTC Regulations 41.42 through 41.49 or SEC Regulations 242.400 through 242.406, as applicable, shall be subject to disciplinary action in accordance with Chapter 5. Appropriate sanctions in the case of any such failure shall include, without limitation, a revocation of such Market Maker's registration with the Exchange as a Security Futures Dealer.

(d) The Exchange shall establish initial and maintenance margin requirements applicable to Security Futures that are held in a futures account, provided that the margin requirement for any long or short position held by a member firm on behalf of a Customer shall not be less than 20% of the current market value of the relevant Security Futures Contract, or such other requirement as may be established by the CFTC and SEC for purposes of CFTC Regulation 41.45(b)(1) and SEC Regulation 242.403(b)(1), unless a lower margin level is available for such position pursuant to paragraph (e) below.

(e) Initial and maintenance margin requirements for offsetting positions involving Security Futures and related positions are provided in the schedule below, for purposes of CFTC Regulation 41.45(b)(2) and SEC Regulation 242.403(b)(2).

Margin Requirements for Offsetting Positions

1	*Long security future (or basket of security futures representing each component of a narrow-based securities index[3]) and long put option[4] on the same underlying security (or index).*	*Individual stock or narrow-based security index.*	*20% of the current market value of the long security future, plus pay for the long put in full.*	*The lower of: (1) 10% of the aggregate exercise price[5] of the put plus the aggregate put out-of-the-money[6] amount, if any; or (2) 20% of the current market value of the long security future.*
2	*Short security future (or basket of security futures representing each component of a narrow-based securities index) and short put option on the same underlying security (or index).*	*Individual stock or narrow-based security index.*	*20% of the current market value of the short security future, plus the aggregate put in-the-money amount, if any. Proceeds from the put sale may be applied.*	*20% of the current market value of the short security future, plus the aggregate put in-the-money amount, if any.[7]*
3	*Long security future and short position in the same security (or securities basket) underlying the security future.*	*Individual stock or narrow-based security index.*	*The initial margin required under Regulation T for the short stock or stocks.*	*5% of the current market value as defined in Regulation T of the stock or stocks underlying the security future.*
4	*Long security future (or basket of security futures representing each component of a narrow-based securities index) and short call option on the same underlying security (or index).*	*Individual stock or narrow-based security index.*	*20% of the current market value of the long security future, plus the aggregate call in-the-money amount, if any. Proceeds from the call sale may be applied.*	*20% of the current market value of the long security future, plus the aggregate call in-the-money amount, if any.*

Margin Requirements for Offsetting Positions—Continued

5	*Long a basket of narrow-based security futures that together tracks a broad-based index and short a broad-based security index call option contract on the same index.*	*Narrow-based security index*	*20% of the current market value of the long basket of narrow-based security futures, plus the aggregate call in-the-money amount, if any. Proceeds from the call sale may be applied.*	*20% of the current market value of the long basket of narrow-based security futures, plus the aggregate call in-the-money amount, if any.*
6	*Short a basket of narrow-based security futures that together tracks a broad-based security index and short a broad-based security index put option contract on the same index.*	*Narrow-based security index*	*20% of the current market value of the short basket of narrow-based security futures, plus the aggregate put in-the-money amount, if any. Proceeds from the put sale may be applied.*	*20% of the current market value of the short basket of narrow-based security futures, plus the aggregate put in-the-money amount, if any.*
7	*Long a basket of narrow-based security futures that together tracks a broad-based security index and long a broad-based security index put option contract on the same index.*	*Narrow-based security index*	*20% of the current market value of the long basket of narrow-based security futures, plus pay for the long put in full.*	*The lower of: (1) 10% of the aggregate exercise price of the put, plus the aggregate put out-of-the-money amount, if any; or (2) 20% of the current market value of the long basket of security futures.*
8	*Short a basket of narrow-based security futures that together tracks a broad-based security index and long a broad-based security index call option contract on the same index.*	*Narrow-based security index*	*20% of the current market value of the short basket of narrow-based security futures, plus pay for the long call in full.*	*The lower of: (1) 10% of the aggregate exercise price of the call, plus the aggregate call out-of-the-money amount, if any; or (2) 20% of the current market value of the short basket of security futures.*
9	*Long security future and short security future on the same underlying security (or index).*	*Individual stock or narrow-based security index.*	*The greater of: (1) 5% of the current market value of the long security future; or (2) 5% of the current market value of the short security future.*	*The greater of: (1) 5% of the current market value of the long security future; or (2) 5% of the current market value of the short security future.*
10	*Long security future, long put option and short call option. The long security future, long put and short call must be on the same underlying security and the put and call must have the same exercise price. (Conversion).*	*Individual stock or narrow-based security index.*	*20% of the current market value of the long security future, plus the aggregate call in-the-money amount, if any, plus pay for the put in full. Proceeds from the call sale may be applied.*	*10% of the aggregate exercise price, plus the aggregate call in-the-money amount, if any.*
11	*Long security future, long put option and short call option. The long security future, long put and short call must be on the same underlying security and the put exercise price must be below the call exercise price (Collar).*	*Individual stock or narrow-based security index.*	*20% of the current market value of the long security future, plus the aggregate call in-the-money amount, if any, plus pay for the put in full. Proceeds from call sale may be applied.*	*The lower of: (1) 10% of the aggregate exercise price of the put plus the aggregate put out-of-the money amount, if any; or (2) 20% of the aggregate exercise price of the call, plus the aggregate call in-the-money amount, if any.*
12	*Short security future and long position in the same security (or securities basket) underlying the security future.*	*Individual stock or narrow-based security index.*	*The initial margin required under Regulation T for the long stock or stocks.*	*5% of the current market value, as defined in Regulation T, of the long stock or stocks.*
13	*Short security future and long position in a security immediately convertible into the same security underlying the security future, without restriction, including the payment of money.*	*Individual stock or narrow-based security index.*	*The initial margin required under Regulation T for the long security.*	*10% of the current market value, as defined in Regulation T, of the long security.*
14	*Short security future (or basket of security futures representing each component of a narrow-based securities index) and long call option or warrant on the same underlying security (or index).*	*Individual stock or narrow-based security index.*	*20% of the current market value of the short security future, plus pay for the call in full.*	*The lower of: (1) 10% of the aggregate exercise price of the call, plus the aggregate call out-of-the-money amount, if any; or (2) 20% of the current market value of the short security future.*

Margin Requirements for Offsetting Positions—Continued

15	Short security future, short put option and long call option. The short security future, short put and long call must be on the same underlying security and the put and call must have the same exercise price. (Reverse Conversion).	Individual stock or narrow-based security index.	20% of the current market value of the short security future, plus the aggregate put in-the-money amount, if any, plus pay for the call in full. Proceeds from put sale may be applied.	10% of the aggregate exercise price, plus the aggregate put in-the-money amount, if any.
16	Long (short) a basket of security futures, each based on a narrow-based security index that together tracks the broad-based index and short (long) a broad-based index future.	Narrow-based security index	5% of the current market value for the long (short) basket of security futures.	5% of the current market value of the long (short) basket of security futures.
17	Long (short) a basket of security futures that together tracks a narrow-based index and short (long) a narrow-based index future.	Individual stock or narrow-based security index.	The greater of: (1) 5% of the current market value of the long security future(s); or (2) 5% of the current market value of the short security future(s).	The greater of: (1) 5% of the current market value of the long security future(s); or (2) 5% of the current market value of the short security future(s).
18	Long (short) a security future and short (long) an identical security future traded on a different market.[8].	Individual stock or narrow-based security index.	The greater of: (1) 3% of the current market value of the long security future(s); or (2) 3% of the current market value of the short security future(s).	The greater of: (1) 3% of the current market value of the long security future(s); or (2) 3% of the current market value of the short security future(s).

New Regulation 431.08 Acceptable Margin for Security Futures and Treatment of Undermargined Accounts

Notwithstanding any other Exchange Rules or Regulations, the following provisions shall establish the acceptable margin for Security Futures Positions that are held on behalf of Customers in a futures account, and the treatment of undermargined futures accounts containing Security Futures Contracts.

(a) Member firms may accept from their Customers as margin for Security Futures held in a futures account, deposits of cash, margin securities (subject to the limitations set forth in the following sentence), exempted securities, any other assets permitted under Regulation T of the Board of Governors of the Federal Reserve System (as in effect from time to time) to satisfy a margin deficiency in a securities margin account, and any combination of the foregoing, each as valued in accordance with CFTC Regulations 41.46(c) and 41.46(e) or SEC Regulations 242.404(c) and 242.404(e), as applicable. Shares of a money market mutual fund that meet the requirements of CFTC Regulation 1.25 may be accepted as a margin deposit from a Customer for purposes of this Rule.

(b) A member firm shall not accept as margin from any Customer securities that have been issued by such Customer or an Affiliate of such Customer unless such member firm files a petition with and receives permission from the Exchange for such purpose.

(c) All assets deposited by a Customer to meet margin requirements must be and remain unencumbered by third party claims against the depositing Customer.

(d) If a Customer fails to comply with a margin call within a reasonable period of time (the member firm may deem one hour to be a reasonable period of time), the relevant member firm shall take the deduction required with respect to an undermargined account in computing its net capital under applicable CFTC and SEC Regulations.

(e) If at any time there is a liquidating deficit in an account in which Security Futures are held, the member firm shall take steps to liquidate positions in the

[3] *Baskets of securities or security futures contracts must replicate the securities that comprise the index, and in the same proportion.*

[4] *Generally, for the purposes of these regulations, unless otherwise specified, stock index warrants shall be treated as if they were index options.*

[5] *''Aggregate exercise price,'' with respect to an option or warrant based on an underlying security, means the exercise price of an option or warrant contract multiplied by the numbers of units of the underlying security covered by the option contract or warrant. ''Aggregate exercise price'' with respect to an index option, means the exercise price multiplied by the index multiplier. See, e.g., Amex Rules 900 and 900C; CBOE Rule 12.3; and NASD Rule 2522.*

[6] *''Out-of-the-money'' amounts shall be determined as follows:*

(1) for stock call options and warrants, any excess of the aggregate exercise price of the option or warrant over its current market value (as determined in accordance with Regulation T of the Board of Governors of the Federal Reserve System);

(2) for stock put options or warrants, any excess of the current market value (as determined in accordance with Regulation T of the Board of Governors of the Federal Reserve System) of the option or warrant over its aggregate exercise price;

(3) for stock index call options and warrants, any excess of the aggregate exercise price of the option or warrant over the product of the current index value and the applicable index multiplier; and

(4) for stock index put options and warrants, any excess of the product of the current index value and the applicable index multiplier over the aggregate exercise price of the option or warrant. See, e.g., NYSE Rule 431 (Exchange Act Release No. 42011 (October 14, 1999), 64 FR 57172 (October 22, 1999) (order approving SR–NYSE–99–03)); Amex Rule 462 (Exchange Act Release No. 43582 (November 17, 2000), 65 FR 71151 (November 29, 2000) (order approving SR–Amex–99–27)); CBOE Rule 12.3 (Exchange Act Release No. 41658 (July 27, 1999), 64 FR 42736 (August 5, 1999) (order approving SR–CBOE–97–67)); or NASD Rule 2520 (Exchange Act Release No. 43581 (November 17, 2000), 65 FR 70854 (November 28, 2000) (order approving SR–NASD–00–15)).

[7] *''In-the-money'' amounts must be determined as follows:*

(1) for stock call options and warrants, any excess of the current market value (as determined in accordance with Regulation T of the Board of Governors of the Federal Reserve System) of the option or warrant over its aggregate exercise price;

(2) for stock put options or warrants, any excess of the aggregate exercise price of the option or warrant over its current market value (as determined in accordance with Regulation T of the Board of Governors of the Federal Reserve System);

(3) for stock index call options and warrants, any excess of the product of the current index value and the applicable index multiplier over the aggregate exercise price of the option or warrant; and

(4) for stock index put options and warrants, any excess of the aggregate exercise price of the option or warrant over the product of the current index value and the applicable index multiplier.

[8] *Two security futures will be considered ''identical'' for this purpose if they are issued by the same clearing agency or cleared and guaranteed by the same derivatives clearing organization, have identical contract specifications, and would offset each other at the clearing level.*

account promptly and in an orderly manner.

* * * * *

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. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Proposed Regulation 431.07 generally establishes that the determination and administration of customer margins shall be consistent with prevailing practices on the Exchange. To the extent, however, that Exchange practices may be inconsistent with Commodity Futures Trading Commission (''CFTC'') Regulations 41.42 through 41.49 [9] or SEC Regulations 242.400 through 242.406,[10] as applicable, the CFTC and SEC Regulations shall prevail.

General Applicability—Proposed Regulation 431.07 only applies to security futures transactions executed on the CBOT. To the extent that security futures intermediaries engage in security futures transactions on or through other exchanges, they will need to comply with the margin requirements established by those other exchanges with respect to such transactions. In addition, proposed Regulation 431.07 only applies to transactions made on behalf of ''Customers'' as defined in paragraph (b) of the proposed Regulation. Furthermore, proposed Regulation 431.07 is applicable only to security futures positions held in futures accounts. While security futures may alternatively be held in a securities account, the administration of securities accounts will be governed by applicable regulations, and by rules adopted by other relevant self-regulatory organizations.

Proposed Regulation 431.07(b) excludes ''exempted persons'' and ''Market Makers'' from the definition of ''Customer.'' Therefore, the transactions of exempted persons and Market Makers are not subject to the customer margin requirements set forth in proposed Regulation 431.07. Exempted persons are identified by reference to applicable CFTC and SEC Regulations and Market Makers are defined as described below.

Market Maker Exclusion—CFTC Regulation 41.42(c)(2)(v) [11] and SEC Regulation 242.400(c)(2)(v) [12] permit exchanges to adopt rules containing specified requirements for security futures dealers, on the basis of which the financial relations between security futures intermediaries and qualifying security futures dealers are excluded from the customer margin requirements for security futures. Any rules so adopted by an exchange must meet the criteria set forth in Section 7(c)(2)(B) of the Exchange Act.[13]

Proposed Regulation 431.07(c) relies on CFTC Regulation 41.42(c)(2)(v) [14] and SEC Regulation 242.400(c)(2)(v) [15] in establishing a Market Maker exclusion. In particular, CBOT members who meet certain qualifications would be permitted to register with the Exchange as Security Futures Dealers, such that their accounts would not be subject to customer security futures margin requirements. Rather, their accounts would be subject to security futures margin requirements established pursuant to proposed Regulation 431.07(d).

Market Makers will be floor traders or floor brokers registered with the CFTC under Section 4f(a)(1) of the Commodity Exchange Act, as amended (''CEA''),[16] or dealers registered with the SEC under Section 15(b) of the Exchange Act.[17] As such, they may not qualify as exempted persons within the meaning of Regulation 242.401(a)(9) under the Exchange Act.[18] Absent the provisions of proposed Regulation 431.07, they arguably would have to be treated as customers for purposes of determining margin requirements, even with respect to their proprietary market making activities. This would be different from the treatment of security futures dealers on securities exchanges under Section 7(c)(3) of the Exchange Act,[19] and therefore would be contrary to the statutory objectives reflected in Section 7(c)(2)(B) of the Exchange Act.[20]

The Market Maker exclusion, as proposed, contains all of the criteria and limitations set forth in CFTC Regulation 41.42(c)(2)(v) [21] and SEC Regulation 242.400(c)(2)(v),[22] including a clause that requires that a Market Maker ''hold itself out as being willing to buy and sell security futures for its own account on a regular or continuous basis.'' In the release on Customer Margin Rules Relating to Security Futures (''Customer Margin Release''),[23] the Commission and the CFTC identified three alternate means by which to demonstrate such willingness, as follows:

1. An exchange may require market makers to effect a certain percentage of their security futures trades with persons other than those registered as market makers;

2. Market makers could be subject to rules that impose an affirmative obligation to quote on a regular or continuous basis; or

3. An exchange may require that a ''large majority'' of a market maker's revenue be derived from trading listed financial based derivatives including futures and options on stocks, stock indexes, foreign currencies, and interest rate instruments.

The CBOT generally proposes to apply the second standard listed above, which includes affirmative obligations to make markets. Specifically, under proposed Regulation 431.07(c), a Market Maker is considered willing to hold itself out to buy and sell security futures on a continuous or regular basis if it fulfills any one of three tests.

The first test, set forth in Regulation 431.07(c)(1), requires a Market Maker to provide:

* * * continuous two-sided quotations throughout the trading day for all delivery months of [specified] Security Futures Contracts * * * and * * * [quote] * * * with a maximum bid/ask spread no more than the greater of $0.20 or 150% of the bid/ask spread in the primary market for the security underlying each Security Futures Contract.

The second test, set forth in Regulation 431.07(c)(2), requires a Market Maker to respond:

* * * to at least 75% of the requests for quotation for all delivery months of [specified] Security Futures Contracts * * * and * * * [w]hen responding to requests for quotation, [quote] within five seconds with a maximum bid/ask spread no more than the greater of $0.20 or 150% of the bid/ask spread in the primary market for the security underlying each Security Futures Contract.

[9] 17 CFR 41.42–41.49.

[10] 17 CFR 242.400–406.

[11] 17 CFR 41.42(c)(2)(v).

[12] 17 CFR 242.400(c)(2)(v).

[13] 15 U.S.C. 78g(c)(2)(B).

[14] 17 CFR 41.42(c)(2)(v).

[15] 17 CFR 242.400(c)(2)(v).

[16] 7 U.S.C. 6f(a)(1).

[17] 15 U.S.C. 78(o)(b).

[18] 17 CFR 242.401(a)(9).

[19] 15 U.S.C. 78g(c)(3).

[20] 15 U.S.C. 78g(c)(2)(B).

[21] 17 CFR 41.42(c)(2)(v).

[22] 17 CFR 242.400(c)(2)(v).

[23] Exchange Act Release No. 46292 (August 1, 2002), 67 FR 53146 (August 14, 2002).

The first and second tests require Market Makers to be assigned to a meaningful proportion of Security Futures Contracts listed on the Exchange. A ''meaningful proportion'' is defined in proposed Regulation 431.07(c) to refer to Security Futures Contracts that represent at least 20% of the total Security Futures Contract trading volume on the Exchange after the 181st calendar day subsequent to the commencement of trading in Security Futures Contracts on the Exchange.

The third test, set forth in Regulation 431.07(c)(3), requires that a Market Maker must be:

* * * assigned to a group of Security Futures Contracts listed on the Exchange that is either unlimited in nature (''Unlimited Assignment'') or is assigned to no more that 20% of the Security Futures Contracts listed on the Exchange (''Limited Assignment''); and * * * [a]t least 75% of the Market Maker's total trading activity in Exchange Security Futures Contracts is in its assigned Security Futures Contracts, measured on a quarterly basis; and * * * [d]uring at least 50% of the trading day, the Market Maker has bids or offers in the market that are at or near the best market * * * with respect to at least 25% (in the case of an Unlimited Assignment) or at least one (in the case of a Limited Assignment) of its assigned Security Futures Contracts; and * * * [these obligations must be] satisfied on (a) at least 90% of the trading days in each calendar quarter by Market Makers who have undertaken an Unlimited Assignment; or (b) at least 80% of the trading days in each calendar quarter by Market Makers who have undertaken a Limited Assignment; or (c) on at least 80% of the trading days in each calendar quarter * * * where the Exchange is listing four (4) or fewer Security Futures Contracts.

Market Makers are required to maintain books and records in order to evidence compliance with these standards. This recordkeeping requirement includes, without limitation, trading account statements and other financial records necessary to detail Market Maker activity. Failure on the part of a Market Maker to comply with these standards may result in revocation of the Market Maker's registration with the Exchange as a Security Futures Dealer, or other sanctions under CBOT Rules and Regulations.

The CBOT believes that proposed Regulation 431.07(b) and (c) are consistent with the requirements of the Exchange Act and with the explanations accompanying the publication of those requirements.

Margin Rates—Proposed Regulation 431.07(a) requires that customer margin rates be established at levels no lower than those prescribed by CFTC Regulation 41.45[24] and SEC Regulation 242.403.[25] Proposed Regulation 431.07(d) specifically provides that the margin level for each long or short position in a Security Futures contract held on behalf of a customer shall not be less than 20% of the current market value of such Security Futures contract, as required by SEC Regulation 242.403(b)(1)[26] and CFTC Regulation 41.45(b)(1).[27]

Exceptions to the 20% requirement are established under proposed Regulation 431.07(e). These exceptions rely upon SEC Regulation 242.403(b)(2)[28] and CFTC Regulation 41.45(b)(2)[29] that provide that a self-regulatory authority may set the required initial or maintenance margin level for offsetting positions involving security futures and related positions at a level lower than the level that would apply if margin requirements for such positions were calculated separately based on the 20% requirement, provided that the rules establishing such lower margin levels meet the criteria set forth in Section 7(c)(2)(B) of the Exchange Act.[30] That Section requires that:

(I) The margin requirements for a security futures product be consistent with the margin requirements for comparable option contracts traded on any exchange registered pursuant to Section 6(a) of [the Exchange Act]; and

(II) Initial and maintenance margin levels for a security futures product not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to Section 6(a) of [the Exchange Act], other than an option on a security future.

Absent the margin relief afforded by proposed Regulation 431.07(e), security futures intermediaries would be required to collect margin from their customers equal to at least 20% of the current market value of the security futures held on behalf of such customers, even if such security futures positions were hedged. With respect to option contracts traded on securities exchanges, the Commission has recognized that it is appropriate for the SROs to recognize the hedged nature of certain combined options strategies and prescribe margin requirements that better reflect the risk of those strategies.[31]

The CBOT believes that the same considerations apply in connection with the determination of margin levels for offsetting positions involving security futures and related positions. If margin offsets were not available with respect to security futures, the customer margin requirements applicable to such instruments would effectively be inconsistent with, and more onerous than, the margin requirements for comparable option contracts traded on securities exchanges. This would be contrary to the statutory objectives reflected in Section 7(c)(2)(B) of the Exchange Act.[32]

Proposed Regulation 431.07(e) incorporates a schedule which describes in detail the margin offsets available with respect to particular combinations of security futures and related positions. This schedule is substantively identical to the table of offsets included in the Customer Margin Release. While the table differs in certain respects from similar tables in effect for exchange-traded options, the Commission acknowledged in its Customer Margin Release that these limited differences are warranted by different characteristics of the instruments to which they relate. Accordingly, the CBOT believes that proposed Regulation 431.07(e) is consistent with the requirements of the Exchange Act and the Rules and Regulations thereunder.

Margin Administration—Proposed Regulation 431.08(a) identifies the types of instruments that a security futures intermediary may accept from a customer as margin for security futures positions held in a futures account. Consistent with SEC Regulation 242.404(b)[33] and CFTC Regulation 41.46(b),[34] acceptable types of margin are limited to deposits of cash, margin securities (subject to specified restrictions), exempted securities, any other assets permitted under Regulation

[24] 17 CFR 41.45.

[25] 17 CFR 242.403.

[26] 17 CFR 242.403(b)(1).

[27] 17 CFR 41.45(b)(1).

[28] 17 CFR 242.403(b)(2).

[29] 17 CFR 41.45(b)(2).

[30] 15 U.S.C. 78g(c)(2)(B).

[31] *See* Exchange Act Release Nos. 41658 (July 27, 1999), 64 FR 42736 (August 5, 1999) (order approving SR–CBOE–97–67 amending CBOE Rule 12.3); 42011 (October 14, 1999) (order approving SR–NYSE–99–03 amending NYSE Rule 431); 43582 (November 17, 2000), 65 FR 70854 (November 28, 2000) (order approving SR–Amex–99–27 amending Amex Rule 462); and 43581 (November 17, 2000), 65 FR 71151 (November 29, 2000) (order approving SR–NASD–00–15 amending NASD Rule 2520).

[32] 15 U.S.C. 78g(c)(2)(B).

[33] 17 CFR 242.404(b).

[34] 17 CFR 41.46(b).

T [35] of the Board of Governors of the Federal Reserve System to satisfy a margin deficiency in a securities margin account, and any combination of the foregoing. Proposed Regulation 431.08(a) further provides that the different types of eligible margin deposits are to be valued in accordance with the applicable principles set forth in SEC Regulations 242.404(c) and 242.404(e) [36] and CFTC Regulations 41.46(c) and 41.46(e).[37]

Proposed Regulation 431.08(d) requires a security futures intermediary to take the deduction required with respect to an undermargined account in computing its net capital under applicable SEC and CFTC Regulations if the customer has failed to comply with a required margin call within a reasonable period of time. This requirement is consistent with SEC Regulation 242.406(a) [38] and CFTC Regulation 41.48(a).[39] Further, proposed Regulation 431.08(e) requires the liquidation of an account in which security futures are held where there is a liquidating deficit, in accordance with SEC Regulation 242.406(b) [40] and CFTC Regulation 41.48(b).[41]

The Exchange Act Regulations and related provisions of the Exchange Act are premised on each self-regulatory organization adopting margin requirements that are functionally equivalent to proposed CBOT Regulations 431.07 and 431.08. Accordingly, proposed Regulations 431.07 and 431.08 represent a corollary of, and are designed to give effect to, the Exchange Act Regulations and related provisions of the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOT 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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange 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 e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOT–2006–01 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–CBOT–2006–01. 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 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 submission should refer to File Number SR–CBOT–2006–01 and should be submitted on or before May 8, 2006.

IV. Commission Findings and Order Granting Accelerated Approval of a Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[42] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[43] which requires, among other things, that the rules of the Exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest. In addition, the Commission believes that the proposed rule change is consistent with Section 7(c)(2)(B) of the Act,[44] which provides, among other things, that the margin requirements for security futures must preserve the financial integrity of markets trading security futures and prevent systemic risk. The Commission also believes that the proposed rule change is consistent with the customer margin rules set forth in Rules 400 through 406 under the Act.[45]

The Exchange has requested that the Commission approve this proposed rule change prior to the thirtieth day after publication of notice of the filing in the **Federal Register**. The Commission believes that nothing in this proposed rule change raises any new, unique, or substantive issues from those previously raised in SR–OC–2002–01, as amended, and SR–CME–2002–01, as amended [46] which rule filings set forth OneChicago's and the Chicago Mercantile Exchange's (''CME'') margin requirements for security futures, respectively. The Exchange's proposed rules set forth herein are substantively identical to the parallel provisions in OneChicago Rule 515 and CME Rule 930. The Exchange noted that that OneChicago Rule 515(a) specifies that its market maker exclusion applies to security futures positions held in securities accounts, as well as those held in futures accounts. The proposed margin rules only address security futures positions held in futures accounts. Further, the offsets proposed by CBOT are consistent with the strategy-based offsets permitted for comparable offset positions involving exchange-traded options and therefore consistent with Section 7(c)(2)(B) of the Exchange Act.[47] Finally, approval of the proposed rule change is necessary for CBOT to begin trading security futures.

[35] 2 CFR 220.1 *et seq.*

[36] 17 CFR 242.404(c) and 242.404(e).

[37] 17 CFR 41.46(c) and 41.46(e).

[38] 17 CFR 242.406(a).

[39] 17 CFR 41.48(a).

[40] 17 CFR 242.406(b).

[41] 17 CFR 41.48(b).

[42] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[43] 15 U.S.C. 78f(b)(5).

[44] 15 U.S.C. 78g(c)(2)(B).

[45] 17 CFR 242.400–406.

[46] *See also* SR–CME–2003–01 (approving, on a permanent basis, a standard under which a market maker can qualify for exclusion from CME's margin rules).

[47] 15 U.S.C. 78g(c)(2)(B).

Accordingly, the Commission finds good cause for approving this proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Specifically, the Commission believes that it is consistent with Section 19(b)(2) of the Act [48] to approve the Exchange's proposed rule change prior to the thirtieth day after publication of the notice of filing thereof in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[49] that the proposed rule change (File No. SR–CBOT–2006–01) is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[50]

Nancy M. Morris,

Secretary.

[FR Doc. E6–5650 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53610; File No. SR–PCX–2006–12]

Self-Regulatory Organizations; Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.); Order Granting Approval of Proposed Rule Change Relating to Clearly Erroneous Executions

April 6, 2006.

On February 23, 2006, the Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.) (''Exchange'') [1] filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b-4 thereunder,[3] to amend PCX Equities, Inc. (n/k/a NYSE Arca Equities, Inc.) (''NYSE Arca Equities'') Rule 7.10(e) pertaining to clearly erroneous executions of securities issued in initial public offerings (''IPOs''). The proposed rule change was published for comment in the **Federal Register** on March 3, 2006.[4] The Commission received no comments on the proposal. This order approves the proposed rule change.

The proposed rule change would revise the procedures in NYSE Arca Equities Rule 7.10(e) relating to trade nullifications (''busts'') and price adjustments (''adjusts'') of the initial trade of securities issued in IPOs that are traded on the Archipelago Exchange (n/k/a NYSE Arca Marketplace) on an unlisted trading privileges basis. Currently, initial trades on NYSE Arca Marketplace of these securities that are executed at prices of $1.00 or 10% (whichever is lesser) away from the primary listing exchange's opening price are automatically busted or adjusted to the opening price of the security on the primary listing exchange. Under the proposed rule change, NYSE Arca Equities staff would have the discretion to bust or adjust initial trades in IPO securities that are executed at $1.00 or 10% (whichever is lesser) away from the opening price on the primary listing exchange. The Exchange states that this discretion is necessary because the primary listing exchange often has multiple prices for an IPO security during the first moments that the IPO security begins to trade.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[5] In particular, the Commission believes that the proposal is consistent with section 6(b)(5) of the Act,[6] which requires that the rules of an exchange 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 facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Commission believes that the proposed rule change, by granting NYSE Arca Equities staff the discretion to bust or adjust initial trades for IPO securities that are executed at $1.00 or 10% (whichever is lesser) away from the primary listed exchange's opening price, and thus no longer require NYSE Arca Equities staff to automatically bust or adjust such trades, is designed to help ensure that the Exchange's clearly erroneous execution rule is exercised in a fair and reasonable manner. As the Exchange noted, the primary listing exchange's opening price for an IPO security may not necessarily be indicative of the actual trading price of the security, and, thus the Commission believes that it is fair and reasonable for NYSE Arca Equities staff to have the discretion to review all prices at the time the IPO security first trades on the primary listing exchange to determine whether it is appropriate to adjust or bust the trade at issue.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[7] that the proposed rule change (SR–PCX–2006–12) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Nancy M. Morris,

Secretary.

[FR Doc. E6–5609 Filed 4–14–06; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10442 and # 10443]

Missouri Disaster #MO–00003

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1635–DR), dated 04/05/2006.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 03/30/2006 through 04/03/2006.

Effective Date: 04/05/2006.

Physical Loan Application Deadline Date: 06/05/2006.

Economic Injury (EIDL) Loan Application Deadline Date: 01/05/2007.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/05/2006, applications for disaster loans may be filed at the address listed

[48] 15 U.S.C. 78s(b)(2).

[49] *Id.*

[50] 17 CFR 200.30–3(a)(12).

[1] On March 6, 2006, the Exchange filed with the Commission a proposed rule change, which was effective upon filing, to change the name of the Exchange, as well as several other related entities, to reflect the recent acquisition of PCX by Archipelago Holdings, Inc. (''Archipelago'') and the merger of NYSE with Archipelago. *See* File No. SR–PCX–2006–24. All references herein have been changed to reflect the aforementioned rule change.

[2] 15 U.S.C. 78s(b)(1).

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 53376 (February 27, 2006), 71 FR 11008 (''Notice'').

[5] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Pemiscot.

Contiguous Counties (Economic Injury Loans Only): Missouri: Dunklin, New Madrid. Arkansas: Mississippi, Tennessee: Dyer, Lake.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.750
Homeowners Without Credit Available Elsewhere	2.875
Businesses With Credit Available Elsewhere	7.408
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 10442 C and for economic injury is 10443 0.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Cheri L. Cannon,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E6–5640 Filed 4–14–06; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10440 and # 10441]

Tennessee Disaster # TN–00008

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1634–DR), dated 04/05/2006.

Incident: Tornadoes and Severe Storms.

Incident Period: 04/02/2006 through 04/03/2006.

Effective Date: 04/05/2006.

Physical Loan Application Deadline Date: 06/05/2006.

Economic Injury (EIDL) Loan Application Deadline Date: 01/05/2007.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 04/05/2006, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dyer, Gibson.

Contiguous Counties (Economic Injury Loans Only): Tennessee: Carroll, Crockett, Lake, Lauderdale, Madison, Obion, Weakley. Arkansas: Mississippi. Missouri: Pemiscot.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.750
Homeowners Without Credit Available Elsewhere	2.875
Businesses With Credit Available Elsewhere	7.408
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this declaration for physical damage is 10440 C and for economic injury is 10441 0.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Cheri L. Cannon,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E6–5641 Filed 4–14–06; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5375]

U.S. National Commission for UNESCO Notice of Open Teleconference Meeting

The U.S. National Commission for UNESCO will meet via telephone conference on Thursday, April 27, 2006, from 10 a.m. until 11 a.m. eastern time.

The purpose of the teleconference meeting is to consider the recommendations of the Commission's Subcommittee on the UNITWIN/UNESCO Chairs Programme. The Subcommittee was asked to review U.S. applications for the Chairs program, which seeks to foster cooperation between universities in different countries and to promote academic solidarity and the transfer of knowledge. The Commission may also discuss the Library of Congress's World Digital Library initiative. More information on the National Commission can be found at *http://www.state.gov/p/io/unesco.*

The Commission will accept brief oral comments during a portion of this conference call. Members of the public who wish to present oral comments or to listen to the conference call must make arrangements with the Executive Secretariat of the National Commission by 12 p.m. on April 26, 2006.

For more information or to arrange to participate in the teleconference meeting, contact Alex Zemek, Deputy Executive Director of the U.S. National Commission for UNESCO, Washington, DC 20037. Telephone: (202) 663–0026; Fax: (202) 663–0035; E-mail: *DCUNESCO@state.gov.*

Dated: April 11, 2006.

Alex Zemek,

Deputy Executive Secretary, U.S. National Commission for UNESCO, Department of State.

[FR Doc. E6–5661 Filed 4–14–06; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Revised Noise Exposure Maps Baltimore/Washington International Thurgood Marshall Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the revised noise exposure maps submitted by the Maryland Aviation Administration for Baltimore/Washington International Thurgood Marshall Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and CFR part 150 are in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is April 3, 2006.

FOR FURTHER INFORMATION CONTACT: Andrew Brooks, Federal Aviation Administration Eastern Region Office, 1 Aviation Plaza, Jamaica, NY 11434, (718) 553–3356.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Baltimore/Washington International Thurgood Marshall Airport are in compliance with applicable requirements of part 150, effective April 3, 2006.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets for the measures the operator has taken or proposes for the reduction of existing non-compatible uses and for the prevention of the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Maryland Aviation Administration. The specific maps under consideration are the noise exposure maps identified as Figure 16 (Basecase 2003 DNL Contours) and Figure 17 (Forecast 2010 DNL Contours) in the submission. The FAA has determined that these maps for Baltimore/Washington International Thurgood Marshall Airport are in compliance with applicable requirements. This determination is effective on April 3, 2006. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to find the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166. Maryland Aviation Administration, Noise and Land Use Compatibility Planning, 991 Corporate Boulevard, Linthicum, MD 21090.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued on April 3, 2006 in Jamaica, NY.

William J. Flanagan,

Manager, Airports Division, Eastern Region.

[FR Doc. 06–3624 Filed 4–14–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34857]

The Kansas City Southern Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company and BNSF Railway Company

Union Pacific Railroad Company (UP) and BNSF Railway Company (BNSF) have agreed to grant temporary overhead trackage rights to The Kansas City Southern Railway Company (KCSR) over approximately 354 miles of rail line owned by UP, and over approximately 30 miles of rail line owned by BNSF.

Under the trackage rights agreement, UP will provide KCSR with non-exclusive, temporary trackage rights as follows: (1) Between Shreveport, LA, approximately UP milepost 230.8 and the Quitman Street Connection in Houston, TX (UP's Lufkin Subdivision), a total distance of approximately 235 miles, (2) between UP milepost 238.1 (BNSF Connection) and UP milepost 238.0 (T&NO Junction), approximately 0.1 mile, and (3) between Algoa, TX, UP milepost 343.1 and Placedo, TX, UP milepost 224.1 (UP's Angleton Subdivision), a distance of approximately 119 miles. In addition, to enable KCSR to reach UP's Angleton Subdivision from Houston, BNSF will grant temporary trackage rights to KCSR as follows: (1) Over a portion of BNSF's rail line between Tower 81 in Houston (T&NO Junction) at BNSF milepost 19.4 and the Alvin Wye at BNSF milepost 0.0, and (2) between Alvin Crossover, milepost 28.6 and Algoa, milepost 24.4 (BNSF's Mykawa Subdivision), a distance of approximately 30 miles.

The parties state that the transaction was scheduled to be consummated on April 1, 2006, or upon the effective date of the exemption,[1] and that the temporary trackage rights are scheduled to expire on June 1, 2006. The purpose of the trackage rights over UP's and BNSF's lines is to allow KCSR to provide a connection between Mexico, The Texas Mexican Railway Company's (Tex Mex) rail lines, and the remainder of KCSR's system while UP's Glidden Subdivision is out of service due to

[1] Under 49 CFR 1180.4(g), a railroad must file a verified notice of the transaction with the Board at least one week in advance of consummation, in order to qualify for an exemption under 49 CFR 1180.2(d). In this case, the verified notice was filed on March 29, 2006. Therefore, the earliest the transaction could have been consummated was April 5, 2006, the effective date of the exemption.

certain programmed track, roadbed and structural maintenance.[2]

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980), and any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If the notice contains false or misleading information, the exemption is void *ab inito.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34857, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: April 11, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 06–3620 Filed 4–14–06; 8:45 am]

BILLING CODE 4915–01–M

[2] Applicants state that Tex Mex has operated over the Glidden Subdivision via trackage rights since 1996. On March 29, 2006, in STB Finance Docket No. 34849, *Kansas City Southern, The Kansas City Southern Railway Company, and The Texas Mexican Railway Company—Exemption for Transactions Within a Corporate Family,* applicants filed a verified notice of exemption involving the assignment to, and acquisition by, KCSR of all of Tex Mex's trackage and operating rights. Also on March 29, in STB Finance Docket No. 34848, *The Kansas City Southern Railway Company—Trackage Rights Exemption—The Texas Mexican Railway Company,* Tex Mex agreed to grant KCSR local and overhead trackage rights over its entire 157-mile rail line between Laredo and Corpus Christi, TX. All three related notices are being published and served simultaneously.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34848]

The Kansas City Southern Railway Company—Trackage Rights Exemption—The Texas Mexican Railway Company

The Texas Mexican Railway Company (Tex Mex) has agreed to grant local and overhead trackage rights to The Kansas City Southern Railway Company (KCSR),[1] to permit KCSR to operate over its entire line of railroad, approximately 157 miles, between milepost 0.0 at Laredo, TX, and milepost 157.0 at Corpus Christi, TX, including access to all sidings, yards and connections thereto.

This notice is related to a concurrently filed notice of exemption in STB Finance Docket No. 34849, *Kansas City Southern, The Kansas City Southern Railway Company, and The Texas Mexican Railway Company—Exemption for Transactions Within a Corporate Family,* which involves the assignment to, and acquisition by, KCSR of all of Tex Mex's trackage and operating rights, generally: (1) Over lines of Union Pacific Railroad Company (UP) between Beaumont and Houston, TX; (2) over lines of Houston Belt & Terminal Railway Company (HBT) in and around Houston; and (3) over lines of UP between Houston and Corpus Christi and Robstown, TX.

The parties state that the transaction was scheduled to be consummated on April 1, 2006. However, on March 29, 2006, the record in the concurrently filed notice of exemption was supplemented, thereby causing the official filing date for both notices to be March 29, 2006. Therefore, the earliest this transaction could have been consummated was April 5, 2006 (the effective date of the exemption).[2]

This transaction, in conjunction with the assignment and acquisition of Tex Mex's trackage and operating rights in the related notice of exemption, will allow KCSR to provide single-line service from Kansas City to Laredo, and to market the route as a KCSR route without having to include Tex Mex in the routing or the bill of lading. KCSR will also provide local rail service to shippers located on the line.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34848, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Robert B. Terry, 427 West 12th Street, Kansas City, MO 64105, and William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

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. E6–5550 Filed 4–14–06; 8:45 am]

BILLING CODE 4915–01–P

[1] A draft copy of the trackage rights agreement was filed with the notice of exemption. Applicants state that a copy of the executed agreement will be filed with the Board within the time frame specified at 49 CFR 1180.6(a)(7)(ii).

[2] Under 49 CFR 1180.4(g), a railroad must file a verified notice of the transaction with the Board at least one week in advance of consummation, in order to qualify for an exemption under 49 CFR 1180.2(d).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34849]

Kansas City Southern, The Kansas City Southern Railway Company, and The Texas Mexican Railway Company—Exemption for Transactions Within a Corporate Family

Kansas City Southern (KCS), The Kansas City Southern Railway Company (KCSR), and The Texas Mexican Railway Company (Tex Mex), have filed a verified notice of exemption for a transaction within a corporate family. The transaction involves the assignment to, and acquisition by, KCSR of all of Tex Mex's trackage and operating rights.

The trackage rights agreements and mileposts governing Tex Mex's trackage rights are as follows: (1) An agreement dated June 16, 1997, between Southern Pacific Transportation Company (SP) and Tex Mex, granting Tex Mex trackage

rights over SP's tracks between Houston, TX, in the vicinity of SP's milepost 360.42 (Carr Street Connection) and Beaumont, TX, in the vicinity of SP's milepost 282.4; (2) an agreement between Missouri Pacific Railroad Company (MP), SP, and Tex Mex governing tracks between Robstown, TX, and Corpus Christi, TX, and Beaumont, and various tracks in and around Houston, including the following: (a) MP's line between Robstown in the vicinity of MP milepost 141.48 and Placedo, TX, in the vicinity of MP milepost 224.2, (b) MP's line between Corpus Christi in the vicinity of MP milepost 145.59 and Odem, TX, in the vicinity of MP milepost 132.2, via Savage Lane to MP's Viola Yard; SP's line between Placedo in the vicinity of SP milepost 14.2 and West Junction, TX, in the vicinity of SP milepost 12.6, via Victoria, TX, and Flatonia, TX, (c) SP's line between West Junction in the vicinity of SP milepost 12.6 and T&NO Junction, TX, in the vicinity of SP milepost 4.6, (d) SP's line from West Junction through Bellaire Junction, TX, to Chaney Junction, TX, in the vicinity of SP milepost 2.8, (e) SP's line from Chaney Junction in the vicinity of SP milepost 2.8 to Tower 26 in the vicinity of SP milepost 360.7, via the Houston Passenger station, (f) SP's line from Chaney Junction in the vicinity of SP milepost 2.8 to Tower 26 in the vicinity of SP milepost 360.7, via the Hardy Street yard, (g) MP's line from Settegast Junction, TX, in the vicinity of MP milepost 381.61 to the connection with Houston Belt & Terminal Railway Company (HB&T) at Interstate Junction, TX, in the vicinity of MP milepost 7.60, (h) SP's line from T&NO Junction in the vicinity of SP milepost 4.6 to the connection with PTRA in the vicinity of Katy Neck (GH&H Junction) in the vicinity of SP milepost 1.3, (i) SP's line from SP milepost 360.7 near Tower 26 to the connection with HB&T at Quitman Street in the vicinity of SP milepost 1.45, (j) MP's line between Gulf Coast Junction, TX, in the vicinity of MP milepost 377.98 and Amelia, TX, in the vicinity of MP milepost 451.4, (k) MP's line between Amelia in the vicinity of MP milepost 451.4 and the connection with SP at Langham Road, TX, in the vicinity of MP milepost 456.7, (l) SP's line between Langham Road in the vicinity of MP milepost 456.7 and Tower 74 in the vicinity of MP milepost 458.8, and (m) MP's line between Tower 74 in the vicinity of MP milepost 458.8, and (i) the connection with the Kansas City Southern Railway Company (KCS) at GLC Junction, TX, in the vicinity of MP milepost 460.36 (KCS milepost 766.7), and (ii) the connection with KCS at the Neches River Draw Bridge in Beaumont in the vicinity of KCS milepost 766.0; and (3) an agreement between Tex Mex and HB&T governing tracks in Houston, including, but not limited to HB&T's line from Quitman Street in the vicinity of HB&T milepost 4.7 (West Belt Subdivision) to the HB&T connection with Union Pacific Railroad Company (UP) at Gulf Coast Junction in the vicinity of HB&T milepost 4.6 (East Belt Subdivision), a distance of 3.6 miles; and HB&T's line from its connection with SP at T&NO Junction (Tower 81) in the vicinity of HB&T milepost 11.0 (West Belt Subdivision) to HB&T's connection with UP at Interstate Junction in the vicinity of HB&T milepost 7.5 (East Belt Subdivision), a distance of 8.2 miles.

Applicants state that Tex Mex acquired its trackage rights as part of the UP/SP merger and its various related proceedings.[1] Applicants further state that Tex Mex's rights within Houston were further clarified and amended in *Houston/Gulf Coast Oversight* to provide Tex Mex with a ''clear route'' through Houston. The purpose of the ''clear route'' provision was to provide dispatchers with the ability to route a Tex Mex train over any section of Houston switching track as necessary to improve service and alleviate congestion. Further, applicants state that, as a result, not all mileposts and switching tracks over which Tex Mex can operate are specifically delineated within the three agreements.

KCS is a publicly traded, noncarrier holding company, with both rail and non-rail assets. KCS currently controls 3 rail common carriers: (1) KCSR, a Class I carrier that owns and operates approximately 3,100 miles of rail line in ten states; (2) Gateway Eastern Railway Company, a Class III carrier that owns and operates approximately 17 miles of rail line between East Alton and East St. Louis, IL, and the rail and related materials on many of KCSR's branch lines; and (3) Tex Mex, a Class II carrier.

This notice is related to a concurrently filed notice of exemption in STB Finance Docket No. 34848, *The Kansas City Southern Railway Company—Trackage Rights Exemption—The Texas Mexican Railway Company,* wherein Tex Mex has agreed to grant local and overhead trackage rights to KCSR to permit KCSR to operate over its entire line of railroad, approximately 157 miles, between milepost 0.0 at Laredo, TX, and milepost 157.0 at Corpus Christi, TX, including access to all sidings, yards and connections thereto.

The parties stated that the transaction was scheduled to be consummated on April 1, 2006. However, on March 29, 2006, the record in this proceeding was supplemented, thereby causing the official filing date to be March 29, 2006. Therefore, the earliest the transaction could have been consummated was April 5, 2006 (the effective date of the exemption).[2]

This transaction and the transaction in the related notice of exemption are part of an intra-corporate transaction that will allow KCSR to provide single-line service from Kansas City to Laredo, and to market the route as a KCSR route without having to include Tex Mex in the routing or the bill of lading.

This is a transaction within a corporate family of the type exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or changes in the competitive balance with carriers outside the KCS corporate family.

As a condition to the use of this exemption, any employees adversely affected by this transaction will be protected by the conditions set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34849, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Robert B. Terry, 427 West 12th Street, Kansas City, MO 64105, and William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

[1] *See Union Pacific/Southern Pacific Merger,* 1 S.T.B. 233 (1996), *aff'd sub nom. Western Coal Traffic League* v. *STB,* 169 F.3d 775 (D.C. Cir. 1999) (*UP–SP Merger*); *Union Pacific/Southern Pacific Merger,* STB Finance Docket No. 32760 (Sub-No. 26) (*Houston/Gulf Coast Oversight*), 3 S.T.B. 1030 (1998).

[2] Under 49 CFR 1180.4(g), a railroad must file a verified notice of the transaction with the Board at least one week in advance of consummation, in order to qualify for an exemption under 49 CFR 1180.2(d).

Decided: April 7, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–5551 Filed 4–14–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–290 (Sub-No. 269X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Norfolk, VA

On March 28, 2006, Norfolk Southern Railway Company (NSR) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue service over an approximately 1.63-mile line of railroad between milepost VB–0.12 near Park Avenue and milepost VB–1.75 near Tidewater Junction in Norfolk, VA. The line traverses U.S. Postal Service Zip Codes 23502 and 23504, and serves the station of Tidewater Junction in Norfolk.

The line does not contain federally granted rights-of-way. Any documentation in the possession of the railroad will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 14, 2006.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,300 filing fee. *See* 49 CFR 1002.2(f)(25).[1]

All filings in response to this notice must refer to STB Docket No. AB–290 (Sub-No. 269X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001; and (2) James R. Paschall, Three Commercial Place, Norfolk, VA 23510–2191. Replies to the petition are due on or before May 8, 2006.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

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. E6–5492 Filed 4–14–06; 8:45 am]

BILLING CODE 4915–01–P

[1] Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required under 49 CFR 1105.6(c) and 1105.8.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 3 Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Puerto Rico)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 3 Taxpayer Advocacy Panel will be conducted in Atlanta, GA. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 11, Friday, May 12, and Saturday, May 13, 2006.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227 (toll-free), or 954–423–7979 (non toll-free).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 3 Taxpayer Advocacy Panel will be held Thursday, May 11, 2006, from 1 p.m. to 5 p.m., Friday, May 12, 2006, from 8 a.m. to 5 p.m. and Saturday, May 13, 2006, from 8 a.m. to 12 p.m. e.t. in the Marriot Midtown Suites, 35 14th Street, Atlanta, GA 30309. For information or to confirm attendance, notification of intent to attend the meeting must be made with Sallie Chavez. Mrs. Chavez may be reached at 1–888–912–1227 or 954–423–7979 or write Sallie Chavez, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: April 10, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–5612 Filed 4–14–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 1 Taxpayer Advocacy Panel (Including the States of New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont and Maine)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 1 Taxpayer Advocacy Panel will be conducted at the Cranston Public Library located at 140 Sockanosset Cross Road, Cranston, Rhode Island 02920–5539. Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 11, 2006.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–888–912–1227 (toll-free), or 718–488–2085 (non toll-free).

SUPPLEMENTARY INFORMATION: An open meeting of the Area 1 Taxpayer Advocacy Panel will be held Thursday, May 11, 2006 from 8:30 am e.t. to 5 p.m. e.t. at the Cranston Public Library located at 140 Sockanosset Cross Road, Cranston, Rhode Island 02920–5539. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 718–488–2085, or write Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201. Due to limited time, notification of intent to participate in the meeting must be made with Audrey Y. Jenkins. Ms. Jenkins can be reached at 1–888–912–1227 or 718–488–2085, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: April 10, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–5613 Filed 4–14–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 11, 2006 at 2 p.m. e.t.

FOR FURTHER INFORMATION CONTACT: Inez De Jesus at 1–888–912–1227, or 954–423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be held Thursday, May 11, 2006 at 2 p.m. e.t. via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7977, or write Inez De Jesus, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez De Jesus. Ms. De Jesus can be reached at 1–888–912–1227 or 954–423–7977, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: April 10, 2006.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E6–5631 Filed 4–14–06; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 71, No. 73

Monday, April 17, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23649; Directorate Identifier 2006–CE–08–AD; Amendment 39–14542; AD 2006–07–15]

RIN 2120–AA64

Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R (S–2R) Series Airplanes

Correction

In rule document 06–3162 beginning on page 16691 in the issue of Tuesday, April 4, 2006, make the following correction:

§ 39.13 [Corrected]

On page 16694, in § 39.13, in Table 3, under ''(iii) *Eddy Current inspection*'', in the second column, ''350 hours TIS'' should be moved to the third column.

[FR Doc. C6–3162 Filed 4–14–06; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
April 17, 2006

Part II

Department of the Interior

Bureau of Reclamation

43 CFR Parts 423 and 429

Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Parts 423 and 429

RIN 1006–AA45

Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Reclamation is issuing this rule to establish regulations regarding public access to and conduct on all Reclamation projects, waters, and real property subject to the jurisdiction or administration of Reclamation. Reclamation is required by statute to issue this rule in order to maintain law and order and protect persons and property on Reclamation projects. This rule supersedes the existing public conduct rule, and amends other regulatory provisions to ensure consistency.

DATES: This rule is effective on April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Larry Todd, Deputy Commissioner, Policy, Administration, and Budget, Bureau of Reclamation, 1849 C Street NW., Washington, DC 20240–0001, telephone 202–513–0682.

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 2001, Congress enacted Public Law 107–69, which provides for law enforcement authority within Reclamation projects and on Reclamation lands. Section 1(a) of this law requires the Secretary of the Interior to ''issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.'' The Secretary of the Interior delegated this authority to the Commissioner of Reclamation, and this rule replaces the existing statutorily required regulations.

Reclamation is best known to the public by its large dams such as Hoover and Grand Coulee. In fact, Reclamation has constructed and operated major water projects in all of the 17 contiguous western states, including more than 500 dams, 348 reservoirs, and 58 hydroelectric powerplants. These plants produce an average of 42 billion kilowatt-hours annually, making Reclamation the nation's ninth largest utility. Reclamation projects deliver 10 trillion gallons of water to more than 31 million people annually, and provide irrigation water to 10 million acres of farmland producing vegetables, fruits, grains, fiber, and other crops critical to the nation's economy.

In addition, Reclamation reservoirs draw 90 million recreational user visits annually, and Reclamation is responsible for the administration of over 8 million acres of public lands. Because of Reclamation's vital role in providing water, power, agricultural products, and recreational opportunities to the entire nation, the safety and security of Reclamation facilities and the people visiting them is of critical importance.

In addressing security and law enforcement issues on Reclamation projects, this rule inevitably touches on a wide range of public safety, recreation, and resource management topics such as firearms, hunting, boating, diving, archaeological resources, and many others. Therefore, while this rule is primarily focused on the security of the hundreds of Reclamation dams, reservoirs, hydroelectric power plants, and other project facilities, it also addresses a number of related issues concerning public conduct on Reclamation projects. This rule is designed to provide consistent and adequate tools for addressing public conduct while at the same time providing the necessary flexibility to be successfully applied to the wide variety of Reclamation projects and facilities.

In this rulemaking, Reclamation is also making minor amendments to the existing 43 CFR part 429, Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use, to make part 429 consistent with 43 CFR part 423. These minor amendments clarify 43 CFR part 429, which addresses uses of Reclamation lands involving possession and occupation, in contrast to 43 CFR part 423 which applies to occasional public uses that do not involve possession or occupation.

This rule does not significantly affect either the administration or the existing public uses of Reclamation facilities, lands, and waterbodies. Rather, this rule provides a tool for administrators and law enforcement personnel in enhancing the safety and security of Reclamation facilities, lands, and waterbodies for the benefit of the public.

II. Existing Rule Superseded

On April 17, 2002, Reclamation published 43 CFR part 423, Public Conduct on Bureau of Reclamation Lands and Projects (67 FR 19092, Apr. 17, 2002) as an interim rule. In the preamble to that rule, Reclamation stated its intent to replace the interim rule with a more comprehensive public conduct rule and set April 17, 2003, as the interim rule's expiration date. In order to provide more time to develop the comprehensive public conduct rule, Reclamation later extended the expiration of the interim rule to April 17, 2005 (68 FR 16214, Apr. 3, 2003), and again to April 17, 2006 (70 FR 15778, Mar. 29, 2005). Reclamation published a proposed public conduct rule (70 FR 54214, Sep.13, 2005) and asked the public to comment on that proposed rule. This rule incorporates the comments received and satisfies Reclamation's commitment to develop a comprehensive public conduct rule which supersedes the existing 43 CFR part 423.

III. Comments on the Proposed Rule

Reclamation received a number of comments on the proposed public conduct rule which was published in the **Federal Register** on September 13, 2005. Following, we have summarized the comments received, along with Reclamation's responses, beginning with general subjects and then specific comments ordered approximately by the section of the rule to which they apply.

Comment: The proposed rule would violate Casitas Municipal Water District's contract with the United States by (1) allowing actions that Casitas' rules forbid and vice versa, (2) giving Reclamation the ability to issue permits for actions that Casitas charges for, and (3) allowing permits for the use of water. This rule could be considered a ''taking'' under the 5th amendment to the Constitution.

Response: The Casitas Municipal Water District's contract with Reclamation presents a complex but not highly unusual situation where Reclamation has turned over project operation and maintenance (O&M) to a water user entity. Reclamation has not transferred ownership of project lands and facilities over to Casitas Municipal Water District, only the use of the land necessary for operation and maintenance of the project works.

In all situations where Reclamation works with a managing partner, the water user entity is obligated to comply with all Federal laws and regulations. This proposed regulation addresses activities that take place on or in the vicinity of water, but not the use of the water. This rule should not interfere with other activities explicitly covered by other legal documents.

If on-the-water recreation is specifically addressed in a Federal contractor's water rights permit, repayment contract, or other

management agreement, Reclamation simply may need to reiterate those contract conditions in some formal manner (such as establishing a special use area) to allay the district's concerns. However, California State water right permits containing a recreation element do not require the provision of recreation resources and associated management and regulation. Instead, the water right permits simply advise the permittees that they are not prohibited from utilizing the subject water body for recreation purposes.

For a Federal regulation to effect a taking under the Fifth Amendment, the regulation must deny ''all economically beneficial or productive use'' of one's property. *See Lucas* v. *South Carolina* Coastal Council, 505 U.S. 1003, 1015 (1992). In Casitas' situation, Casitas does not own the land covered by part 423. Nor does this regulation deprive Casitas of their economic interests in the Ventura River Project, namely, the water storage, delivery, and use for which the Ventura River Project was constructed. Part 423 is merely regulating public conduct on Reclamation property; it is not regulating water delivery or repayment contracts.

Comment: The proposed rule infringes on the State of Wyoming's sovereignty with respect to surface waters. Reclamation has no authority to establish regulations applying to waterbodies in the State of Wyoming. Reclamation must declare Reclamation waterbodies in Wyoming to be Federally navigable in order to assert jurisdiction over them. Otherwise, jurisdiction over Reclamation waterbodies in Wyoming is with the State.

Response: Reclamation has proprietary jurisdiction over its facilities and property, including water legally stored in such facilities under state law. Proprietary jurisdiction does not displace the legislative jurisdiction of the State. Reclamation typically obtains a permit from a state agency to store water for purposes of the Reclamation Act of 1902, 43 U.S.C. 371 et. seq., as amended. In some cases, Reclamation may have obtained water rights through the appropriate state agency for the purposes of achieving the goals of the Reclamation Act of 1902 or to achieve the goals of some other congressionally mandated project.

For the purposes of this rule, Reclamation is not claiming legislative jurisdiction over state waterbodies or property and may not do so, as Congress mandated in Public Law 107–69 (now codified at 43 U.S.C. 373b): ''Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, *or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.*'' 43 U.S.C. 373b(f) (emphasis added). However, Reclamation may, under Public Law 107–69, for the purposes of security and protection, close or otherwise regulate an area or an event (such as public events and gatherings) on Reclamation property.

If a conflict exists with a state regulation or law, part 423 would supersede the conflicting regulation or law under the Supremacy Clause of the U.S. Constitution. The public must obey all Federal, State and local laws while visiting Reclamation assets.

Comment: While the proposed rulemaking is a significant step in making New Melones recreation areas more family friendly, the park rangers lack peace officer status and therefore enforcement of this rule would depend largely on the City of Angels and Calaveras County. Reclamation should consider giving park rangers peace officer status.

Response: Reclamation appreciates this comment and will take it under advisement. However, the law enforcement status of park rangers is outside the scope of this rulemaking.

Comment: The right-of-use application form and $200 fee applicable under 43 CFR part 429 are inappropriate for most recreation uses. A form specific to recreational uses should be developed.

Response: This comment relates to Right-of-Use Form 7–2450. It is important to understand that the application fee and the rental charge are not established by that form; it only states what fees are required under 43 CFR part 429. The application fee must equal Reclamation's costs of administering the resultant right-of-use authorizations, as required by 31 U.S.C. 9701 and OMB Circular A–25. Reclamation does not have the authority to arbitrarily waive the application fee required by the regulation. Right-of-Use Form 7–2450 has been recently revised to address recreation and other short-term uses and has received positive public comment.

Comment: Three commenters expressed concern that the rule was unclear about the roles and authorities of non-Federal partners. One of those commenters recommended adding the phrase ''and agencies'' to the definition of ''Authorized Official'' so the powers of authorized officials can be delegated to agencies.

Response: Reclamation agrees with these comments and has revised the definition of ''Authorized Official'' to show that Federal, state, local, and tribal officials and agencies can be designated as authorized officials. As discussed elsewhere in this preamble, other changes to the rule have been made to clarify the roles and authorities of non-Federal partners.

Comment: Recommendation to utilize states' definitions of ''fishing,'' ''hunting,'' and ''trapping,'' ''trespass,'' ''vessel,'' and ''wildlife.''

Response: Reclamation does not intend to infringe upon a state's ability to control wildlife, including fish, or those attempting to take wildlife or fish. Each state may have a different definition for fishing, hunting, trapping, and wildlife, and to adopt each state's definition for each term is excessive and counterproductive. Each state is free to determine appropriate regulations for protecting its resources, environment and people.

For the term ''trespass,'' each state is free to enforce its own laws and regulations on Reclamation property. Most Reclamation reservoirs are surrounded by real property where dams, offices, power houses and other facilities are located. These properties are Federal property, but not in the guise of exclusive Federal jurisdiction. Instead, the majority of Reclamation's property is held under proprietary jurisdiction. Proprietary jurisdiction provides that Reclamation enjoys the same rights as any member of the public who owns property. Each state certainly may determine what constitutes trespass as well as methods of enforcement.

For the term ''vessel,'' Reclamation derives the definition for vessel from 46 U.S.C. 2101, the U.S. Coast Guard's definition at 33 CFR 187.7 and from the U.S. Army Corps of Engineers' definition at 36 CFR 327.3. Reclamation is not attempting to impede or interfere with a state's capability in regulating vessels. Most states' definitions for the term ''vessel'' are also derived from the U.S. Coast Guard's. Each state is free to title and license each vessel as it deems necessary.

Comment: Recommendation to not use the term ''delimited'' in the Cultural Resources definition.

Response: Reclamation agrees with this comment and has revised the definition of ''Cultural Resources.''

Comment: Recommendation to establish specific decibel limits for ''unreasonable noise'' in the definition of ''disorderly conduct.''

Response: Reclamation believes that establishing specific decibel limits on a Reclamation-wide basis would not be

appropriate, in particular because noise limitations are already in place on many Reclamation facilities and waterbodies. Reclamation does not believe specific decibel limits are necessary in order to subject the offender to possible sanctions. Noise limitations may be established under state or local law, or through establishment of special use areas under subpart E of this rule. Nothing in the rule prevents a state from enforcing noise levels set by that state's legislature or a state agency.

Comment: Recommendation to change the definition of ''explosive'' to remove the term from its own definition.

Response: Reclamation agrees with this comment and has revised the definition of ''Explosive.''

Comment: Recommendation to change the definition of ''fishing'' to specifically include catch-and-release fishing.

Response: Reclamation does not agree with this comment, primarily because fishing is a state-regulated activity. We have not changed the definition of ''fishing'' contained in the proposed rule.

Comment: The term ''non-Federal entity'' should be defined and a full discussion of non-Federal entities' leasehold responsibilities and authorities should be included.

Response: In this rule, the term ''non-Federal entity'' is used in reference to the non-Federal managing partners with whom Reclamation has entered into agreements to manage land, water, and/or public activity on Reclamation projects. Reclamation has numerous contracts with such managing partners and this rule does not significantly alter their roles and responsibilities under those individual contracts.

The responsibilities of each managing partner under the various contracts are best addressed on an individual basis at the state or local level. A full discussion in this rule of the requirements of those contracts would be excessive and unnecessary. However, as discussed elsewhere in this preamble, Reclamation has made changes in the rule to clarify the roles, responsibilities, and authorities of non-Federal entities.

Comment: Recommendation to change the language of section 423.14 for consistency with section 423.11(a), in order to clarify that signage and/or gates are not necessarily required to establish closed areas.

Response: Reclamation agrees with this comment and has revised sections 423.11(a) and 423.14.

Comment: Recommendation to change section 423.16(a)(2) to clarify that an owner or lessee's right to cross closed Reclamation land not be granted without written authorization.

Response: Reclamation agrees with this comment and has revised section 423.16(a) to clarify that exemptions from closures must be in writing.

Comment: Notices of closures and special use areas on ''Reclamation waterbodies'' that are not contained in state statutes, regulations, and brochures may not be readily available to the public, causing such notices to be an inadequate means of informing the public of restrictions and in any event, and are unenforceable and unlawful if they are more restrictive than state statutes and regulations.

Response: In subparts B and E of 43 CFR part 423, Reclamation indicates how it will inform the public of closures and special use areas. These methods include **Federal Register** notices, signs, newspaper notices, and the use of other media such as the Internet, brochures, and handouts. If a closed area or special use area is published in the **Federal Register**, that notice serves as constructive notice and ''is sufficient to give notice of the contents of the document to a person subject to or affected by it.'' 44 U.S.C. 1507. See *Lyng* v. *Payne*, 476 U.S. 926, 943 (1986).

Furthermore, Reclamation has the authority to enforce more restrictive measures than those imposed by a state under the Supremacy Clause, U.S. Const. art. VI, Paragraph 2. See *Edgar* v. *Mite Corp.*, 457 U.S. 624, 631 (1982).

Comment: Section 423.23 would result in watercraft docked or anchored on a waterbody to be presumed abandoned after 24 hours.

Response: Reclamation does not agree with this comment, because section 423.38(i) of the rule provides that all mooring and storage of vessels for over 24 hours must be in special use areas. The rules of such special use areas would take precedence over section 423.23. With respect to existing special use areas where mooring and storage of vessels is currently allowed, sections 423.61(d) and 423.64 provide that they may remain in effect without the need for further action by an authorized official under certain circumstances.

Comment: Recommendation that section 423.29 of the proposed rule be revised to add a ''knowing'' requirement so that accidental introduction of plant or animal material into Reclamation lands or waterbodies would not constitute a violation.

Response: Reclamation agrees with the intent of this comment. However, it is not necessary to add a knowing requirement to section 423.29(b) because Public Law 107–69 requires a violation to be knowing and willful. Whether intentional or accidental, the introduction of species into our lands and waterbodies could have serious environmental consequences and we want to encourage public diligence regarding the unauthorized introduction of species.

Comment: Section 423.29(f) would prohibit the use of sonar devices to locate fish. An exception should be provided.

Response: Reclamation agrees with this comment and has revised section 423.29(f) to apply only on Reclamation lands.

Comment: Section 423.33 should be clarified to allow campers to move from one Reclamation project to another and start the clock running on a new 14-day period.

Response: Reclamation agrees with this comment and has revised section 423.33(b) accordingly.

Comment: Recommendation that section 423.38(g) of the proposed rule be revised to not completely foreclose the use of vessels as places of habitation or residence.

Response: Reclamation believes the general rule should be that vessels should not be used as places of habitation or residence. However, section 423.38(f) of the rule provides for overnight occupation of a vessel under certain specific circumstances. Also, under the appropriate circumstances, special use areas may be established that would address this issue.

With respect to existing special use areas where habitation of vessels is currently allowed, sections 423.61(d) and 423.64 provide that they may remain in effect without the need for further action by an authorized official under certain circumstances. Therefore, the rule language has not been changed in response to this comment.

Comment: One state agency commented that Reclamation had no authority to regulate aircraft landing or taking off from waters within that state.

Response: In view of the terrorist attacks of September 11, 2001, and the enactment of Pub. L. 107–69, Reclamation is very serious about regulating aircraft around Reclamation facilities, particularly Reclamation's National Critical Infrastructures. Reclamation does not need to recount the devastation caused by terrorists' use of aircraft. Due to the potential threat from aircraft, Reclamation must be aware of aircraft in the vicinity of Reclamation facilities and have the ability to protect assets in areas where an aircraft may land or takeoff. In terms of controlling aircraft, Reclamation is not limiting a state's authority. Furthermore, Reclamation stresses the

importance of following state regulations concerning aircraft in sections 423.41(a) and (c).

Comment: Recommend a fuller description of what a special use area is and more fully describe the roles, responsibilities, and authorities of non-Federal partners in designating and determining the rules in special use areas.

Response: Reclamation believes the lack of clarity with respect to special use areas in the proposed rule was primarily a result of the definition of the term ''authorized official'' which we have revised. Non-Federal entities may be authorized officials if so designated by the Commissioner, with specified and limited authorities as provided within the Commissioner's designation. Such a designation may or may not include authority to propose the establishment of special use areas, and may also address the authority to establish special use areas in emergency situations.

An authorized official, whether Federal or non-Federal, planning to designate a special use area in a non-emergency situation must submit the proposal through Reclamation's review and approval process. Because any special use area proposal will be thoroughly reviewed by Reclamation, and because a wide range of needs and circumstances exists within Reclamation's various projects, this rule does not establish detailed parameters regarding what an authorized official may propose. In addition, while not required to do so, Reclamation may consult with a state or state agency in establishing a special use area.

Comment: Recommend clarification of part 429 requirement for permission to remove natural resources in order to allow removal of legally harvested wildlife and unprotected wildlife.

Response: Reclamation agrees with this comment and has revised section 429.1 accordingly.

Although not the result of specific public comments, our review of those comments prompted certain other minor changes to the proposed rule, as follows:

1. Section 423.3 was not clear that the Supremacy of Federal law over state and local law applies generally, not just in situations where operational control over Reclamation facilities, lands, or waterbodies has been transferred to a non-Federal entity. Therefore, Reclamation has moved the language of section 423.3(c)(2) to a separate section, 423.3(f).

2. Because Reclamation lands can be closed to off-road-vehicle use under 43 CFR part 420, references to that part have been added to sections 423.10 and 423.11.

3. Section 423.12(b) has been rewritten to clarify the distinction between emergency and non-emergency situations.

4. Section 423.28 of the proposed rule prohibited the placement of memorials and the scattering and burial of human and animal remains on Reclamation facilities, lands, and waterbodies, but with allowance for such activities to take place by permit or in special use areas. Reclamation received no comments on this provision, but has determined that any allowance for burials, scattering of ashes, and placement of memorials is inconsistent with the practices of other bureaus, in particular the Bureau of Land Management. Furthermore, such an allowance could result in Reclamation becoming responsible for long-term management of burial sites, a practice inconsistent with Reclamation's mission. Also, Reclamation has determined that no cemeteries open to interments exist on Reclamation lands. Therefore, we have determined that it is appropriate to change the provisions creating possible exceptions to the prohibition on burials, scattering of ashes, and placement of memorials. These changes will not have significant impacts, and sections 423.28 and 423.60 have been revised accordingly.

5. Section 423.29(d) of the proposed rule regarding the use and possession of wood was overly restrictive with respect to wood brought or gathered for allowable fires. Also, live trees are a natural resource, the harvest of which is appropriately governed by 43 CFR part 429, not part 423. Therefore, section 423.29(d) has been revised accordingly.

6. Section 423.30 of the proposed rule has been rewritten for better clarity concerning the possession and use of weapons. Reclamation asks all readers to note the distinction between Reclamation facilities, where weapons are entirely prohibited, and Reclamation lands and waterbodies, where the possession and use of weapons is allowed under certain circumstances under both sections 423.30 and 423.32. Also, a definition of ''firearms'' has been added and the definition of ''weapons'' has been revised.

IV. Procedural Matters

Determination To Make This Rule Effective Immediately.

Normally, a final rule becomes effective 30 days after its publication date in the **Federal Register**. However, because the existing public conduct rule will expire on April 17, 2006, a 30-day delay would result in a period during which no public conduct rule would be in effect on Reclamation facilities, lands, and waterbodies. Such a period without a rule in place addressing public conduct on Reclamation lands and projects would result in a serious disruption in the protection of Reclamation facilities and property, with accompanying confusion to employees and the public. This disruption and confusion would be contrary to public and national security interests. For these reasons, the Bureau of Reclamation has determined good cause exists to waive the requirement of publication 30 days in advance of the effective date. As allowed by 5 U.S.C. 553(d)(3), this rule is effective immediately because it is in the public interest to not delay implementation of this rule.

National Environmental Policy Act (NEPA)

Reclamation has analyzed this rule in accordance with the criteria of the NEPA and Department Manual 516 DM. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental assessment is not required. The rule is categorically excluded from NEPA review under 40 CFR 1508.4 and Departmental Manual 516 DM 2, Appendix 1, paragraph 1.10.

Executive Order 12866, Regulatory Planning and Review

This document is not a significant rule and the Office of Management and Budget has not reviewed this rule under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule would have little monetary impact because it only addresses standards for public conduct on Reclamation lands, facilities, and waterbodies. Generally speaking, the principal effect of the rule is to enable law enforcement personnel to enforce existing mandates at Reclamation facilities through the imposition of criminal penalties for violations. Because very few new mandates are imposed by this regulation, it will have little tangible effect on current practices, and therefore only minor economic impacts.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Other Federal agencies

have limited jurisdiction to address public conduct on Reclamation lands and facilities. Where other Federal agencies have such jurisdiction, this rule generally does not apply.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule provides Reclamation with the legal authority to protect Reclamation's ability to provide uninterrupted services to the project beneficiaries from terrorism, as well as preserve and protect their contractual rights and entitlements under Federal reclamation laws.

(4) This rule does not raise novel legal or policy issues. The requirements set forth in this rule would not significantly alter existing policies, protocols, and mandates.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq). A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This rule would have little monetary impact because it only addresses public access to and the possible consequences of public conduct on Reclamation facilities, lands, and waterbodies.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Fairness Act. The rule:

(1) Will not have an annual effect on the economy of $100 million or more. One of Reclamation's major goals as a water resource agency is to assure its customers, primarily farmers, that project water deliveries will continue to be supplied on an uninterrupted basis. The Small Business Administration (SBA) defines ''small business'' for many industries, including farming. A farm, according to SBA regulations (13 CFR part 121), is a small business if it has annual receipts of less than $500,000. The vast majority of some 140,000 farms receiving Reclamation irrigation water can be classified as ''small entities'' under the Small Business Administration definitions. This rule will help ensure a reliable water supply to those farms.

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. The rule will have a negligible impact on local and regional costs or prices, but the ability of Reclamation to enforce public conduct restrictions on Reclamation lands, facilities, and waters may in fact help to stabilize the existing economic conditions located in the local project area.

(3) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule only addresses public access to and the possible consequences of public conduct on Reclamation facilities, lands, and waterbodies.

Unfunded Mandates Reform Act of 1995

This rule does not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than $100 million per year. Moreover, the rule does not have a significant or unique effect on state, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Executive Order 12630, Takings

In accordance with Executive Order 12630, this rule does not have significant takings implications. Thus, a takings implication assessment is not required. This rule only addresses public access to and the possible consequences of public conduct on Reclamation facilities, lands, and waterbodies.

Paperwork Reduction Act

This rule does not require any information collection under the Paperwork Reduction Act. Therefore, an OMB Form 83–I is not required.

Executive Order 13132, Federalism

In accordance with Executive Order 13132, this rule does not have Federalism implications. A Federalism assessment is not required. The rule will not affect the roles, rights, and responsibilities of states in any way. Moreover, the rule will not result in the Federal Government taking control of traditional state responsibilities, nor will it interfere with the ability of states to formulate their own policies. In addition, the rule will not affect the distribution of power, the responsibilities among the various levels of government, nor preempt state law.

Executive Order 12988, Civil Justice Reform

In accordance with Executive Order 12988, the Department's Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of section 3(a) and 3(b)(2) of the Executive Order.

Executive Order 13211, Energy Impacts

In accordance with Executive Order 13211, this rule will not have a significant adverse effect on the supply, distribution, and use of energy. Therefore, a Statement of Energy Effects is not required.

List of Subjects

43 CFR Part 423

Law enforcement, Public conduct, Reclamation lands, and Reclamation projects.

43 CFR Part 429

Public lands—rights-of-way; Reporting and recordkeeping requirements.

Dated: April 6, 2006.

Mark Limbaugh,

Assistant Secretary—Water and Science.

■ For the reasons stated in the preamble, the Bureau of Reclamation revises 43 CFR part 423 and amends 43 CFR part 429 as follows:

■ 1. Revise part 423 to read as follows:

PART 423—PUBLIC CONDUCT ON BUREAU OF RECLAMATION FACILITIES, LANDS, AND WATERBODIES

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423.70 Violations.
423.71 Sanctions.

Authority: Public Law 107–69 (November 12, 2001) (Law Enforcement Authority) (43 U.S.C. 373b and 373c); Public Law 102–575, Title XXVIII (October 30, 1992) (16 U.S.C. 460l–31 through 34); Public Law 89–72 (July 9, 1965) (16 U.S.C. 460l–12); Public Law 106–206 (May 26, 2000) (16 U.S.C. 460l–6d); Public Law 59–209 (June 8, 1906) (16 U.S.C. 431–433); Public Law 96–95 (October 31, 1979) (16 U.S.C. 470aa–mm).

Subpart A—Purpose, Definitions, and Applicability

§ 423.1 Purpose.

The purpose of this part is to maintain law and order and protect persons and property within Reclamation projects and on Reclamation facilities, lands, and waterbodies.

§ 423.2 Definitions of terms used in this part.

Aircraft means a device that is used or intended to be used for human flight in the air, including powerless flight, unless a particular section indicates otherwise.

Archaeological resource means any material remains of past human life or activities which are of archaeological interest, as determined under 43 CFR part 7, including but not limited to pottery, basketry, bottles, weapons, projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human remains, or any portion of any of the foregoing items. Archaeological resources are a component of cultural resources.

Authorized official means the Commissioner of the Bureau of Reclamation and those Federal, state, local, and tribal officials, and agencies to which the Commissioner has delegated specific and limited authorities to enforce and implement this part 423.

Camping means erecting a tent or shelter; preparing a sleeping bag or other bedding material for use; parking a motor vehicle, motor home, or trailer; or mooring a vessel for the intended or apparent purpose of overnight occupancy.

Cultural resource means any man-made or associated prehistoric, historic, architectural, sacred, or traditional cultural property and associated objects and documents that are of interest to archaeology, anthropology, history, or other associated disciplines. Cultural resources include archaeological resources, historic properties, traditional cultural properties, sacred sites, and cultural landscapes that are associated with human activity or occupation.

Disorderly conduct means any of the following acts:

(1) Fighting, or threatening or violent behavior;

(2) Language, utterance, gesture, or display or act that is obscene, physically threatening or menacing, or that is likely to inflict injury or incite an immediate breach of the peace;

(3) Unreasonable noise, considering the nature and purpose of the person's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances;

(4) Creating or maintaining a hazardous or physically offensive condition; or

(5) Any other act or activity that may cause or create public alarm, nuisance, or bodily harm.

Explosive means any device or substance that can be ignited or detonated to produce a violent burst of gas and/or other materials, including, but not limited to, blasting caps and detonatable fireworks and pyrotechnics. This definition does not include fuel and ammunition when properly transported and used.

Firearm means a device that expels a projectile such as a bullet, dart, or pellet by combustion, air pressure, gas pressure, or other means.

Fishing means taking or attempting to take, by any means, any fish, mollusk, or crustacean found in fresh or salt water.

Geophysical discovery device means any mechanism, tool, or equipment including, but not limited to, metal detectors and radar devices, that can be used to detect or probe for objects beneath land or water surfaces.

Historic property means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource.

Hunting means taking or attempting to take wildlife by any means, except by trapping or fishing.

Museum property means personal property acquired according to some rational scheme and preserved, studied, or interpreted for public benefit, including, but not limited to, objects selected to represent archaeology, art, ethnography, history, documents, botany, paleontology, geology, and environmental samples.

Natural resources means assets or values related to the natural world, such as plants, animals, water, air, soils, minerals, geologic features and formations, fossils and other paleontological resources, scenic values, etc. Natural resources are those elements of the environment not created by humans.

Off-road-vehicle means any motorized vehicle (including the standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term excludes all of the following:

(1) Nonamphibious registered motorboats;

(2) Military, fire, emergency, or law enforcement vehicles when used for emergency purpose;

(3) Self-propelled lawnmowers, snowblowers, garden or lawn tractors, and golf carts while being used for their designed purpose;

(4) Agricultural, timbering, construction, exploratory, and development equipment and vehicles while being used exclusively as authorized by permit, lease, license, agreement, or contract with Reclamation;

(5) Any combat or combat support vehicle when used in times of national defense emergencies;

(6) ''Official use'' vehicles; and

(7) Wheel chairs and carts designed and used for transporting persons with disabilities.

Operator means a person who operates, drives, controls, has charge of, or is in actual physical control of any mode of transportation or other equipment.

Permit means any written document issued by an authorized official pursuant to subpart D of this part 423 authorizing a particular activity with specified time limits, locations, and/or other conditions.

Person means an individual, entity, or organization.

Pet means a domesticated animal other than livestock. (''Livestock'' is any hoofed animal used for agricultural, riding, pulling, or packing purposes.)

Public use limit means any limitation on public uses or activities established by law or regulation.

Real property means any legal interest in land and the water, oil, gas, and minerals in, on, and beneath the land surface, together with the improvements, structures, and fixtures located thereon.

Reclamation means the Bureau of Reclamation, United States Department of the Interior.

Reclamation facilities, lands, and waterbodies means Reclamation facilities, Reclamation lands, and Reclamation waterbodies.

Reclamation facility means any facility constructed or acquired under Federal reclamation law that is situated on Reclamation lands and is used or occupied by Reclamation under a lease, easement, right-of-way, license, contract, or other arrangement. The term includes, but is not limited to, any of the following that are under the jurisdiction of or administered by Reclamation: Dams, powerplants, buildings, switchyards, transmission lines, recreation facilities, fish and wildlife facilities, pumping plants, and warehouses.

Reclamation lands means any real property under the jurisdiction of or administered by Reclamation, and includes, but is not limited to, all acquired and withdrawn lands and lands in which Reclamation has a lease interest, easement, or right-of-way.

Reclamation project means any water supply, water delivery, flood control, or hydropower project, together with any associated facilities for fish, wildlife, recreation, or water treatment constructed or administered by Reclamation under the Federal reclamation laws [the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371 et seq.), and Acts supplementary thereto and amendatory thereof].

Reclamation waterbody means any body of water situated on Reclamation lands or under Reclamation jurisdiction.

Refuse means any human or pet waste, litter, trash, garbage, rubbish, debris, contaminant, pollutant, waste liquid, or other discarded materials.

Sacred site means any specific, discrete, or narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the land managing agency of the existence of such a site.

Special use area means an area at or within a Reclamation facility, or an area of Reclamation lands or waterbodies, in which special rules for public conduct apply that may differ from those established in subpart C of this part 423. A special use area must be established by an authorized official as provided in subpart E of this part 423.

State and local laws means the laws, statutes, regulations, ordinances, codes, and court decisions of a state and of the counties, municipalities, or other governmental entities which are enabled by statute and vested with legislative authority.

Traditional cultural property means a discretely defined property that is eligible for inclusion on the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that:

(1) Are rooted in that community's history; and

(2) Are important in maintaining the continuing cultural identity of the community.

Trapping means taking, or attempting to take, wildlife with a snare, trap, mesh, wire, or other implement, object, or mechanical device designed to entrap, ensnare, or kill animals, including fish.

Trespass means:

(1) Unauthorized possession or occupancy of Reclamation facilities, lands, or waterbodies;

(2) Personal entry, presence, or occupancy on or in any portion or area of Reclamation facilities, lands, or waterbodies that have been closed to public use pursuant to subpart B of this part 423;

(3) Unauthorized extraction or disturbance of natural or cultural resources located on Reclamation facilities, lands, or waterbodies;

(4) Unauthorized conduct of commercial activities on Reclamation facilities, lands, or waterbodies;

(5) Holding unauthorized public gatherings on Reclamation facilities, lands, or waterbodies; or

(6) Unauthorized dumping or abandonment of personal property on Reclamation facilities, lands, or waterbodies.

Vehicle means every device in, upon, or by which a person or property is or may be transported or drawn on land, whether moved by mechanical, animal, or human power, including but not limited to automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, trailers, campers, bicycles, and those used exclusively upon stationary rails or tracks; except wheelchairs used by persons with disabilities.

Vessel means any craft that is used or capable of being used as a means of transportation on or under water or ice, including but not limited to powerboats, cruisers, houseboats, sailboats, airboats, hovercraft, rowboats, canoes, kayaks, ice yachts, or personal watercraft. A seaplane on Reclamation waters is considered a vessel for the purposes of § 423.38 of this part. Inner tubes, air mattresses, and other personal flotation devices are not considered vessels.

Weapon means a firearm or any other instrument or substance designed, used, or which can be used to cause or threaten to cause pain, injury, or death.

Wildlife means any non-domestic member of the animal kingdom and includes a part, product, egg, offspring, or dead body or part thereof, including but not limited to mammals, birds, reptiles, amphibians, fish, mollusks, crustaceans, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity.

You means a person or entity on Reclamation facilities, lands, or waterbodies.

§ 423.3 When does this part apply?

(a) This part and all applicable state and local laws apply to all persons on Reclamation facilities, lands, and waterbodies, with the following exceptions:

(1) Certain exceptions apply to Federal, state, local, and contract employees, as further addressed in paragraph (b) of this section.

(2) Certain exceptions apply to non-Federal entities, as further addressed in paragraph (c) of this section;

(3) Certain exceptions apply on Reclamation facilities, lands, and waterbodies administered by other Federal agencies, as further addressed in paragraph (d) of this section;

(4) Certain exceptions apply on Reclamation facilities, lands, and waterbodies subject to treaties and Federal laws concerning tribes and Indians, as further addressed in paragraph (e) of this section; and

(5) This part does not apply on Hoover Dam; on any structure, building, or property appurtenant thereto; or on the surrounding Reclamation facilities and lands. Public conduct at Hoover Dam is governed by 43 CFR part 421.

(b) This part does not apply to:

(1) Federal, state, and local law enforcement, fire, and rescue personnel in the performance of their official duties on Reclamation facilities, lands, and waterbodies;

(2) An employee or agent of the Federal government when the employee or agent is carrying out official duties; or

(3) An employee or agent of an entity that has entered into a contract or agreement with Reclamation to administer, operate, maintain, patrol, or provide security for Reclamation facilities, lands, and waterbodies, when the employee or agent is working within the scope of the defined activities described in the contract or agreement.

(c) If a non-Federal entity has assumed responsibility for operating, maintaining, or managing Reclamation facilities, lands, or waterbodies through a contract or other written agreement, public conduct in and on those Reclamation facilities, lands, and waterbodies will be regulated by this part 423 as well as any regulations established by the entity, the terms of the entity's contract with Reclamation, and applicable Federal, state, and local law.

(d) Public conduct on Reclamation facilities, lands, and waterbodies administered by other Federal agencies under statute or other authority will be governed by the regulations of those agencies rather than this part 423. However, Reclamation retains the right to take necessary actions to safeguard the security and safety of the public and such Reclamation facilities, lands and waterbodies.

(e) This part applies on all Reclamation facilities, lands, and waterbodies that are subject to Treaties with, and Federal laws concerning the rights of, federally recognized Tribes, and individual Indians who are members thereof, to the extent that this part is consistent with those Treaties and Federal laws.

(f) This part 423 and other Federal laws will govern over any conflicting regulations of a non-Federal entity.

Subpart B—Areas Open and Closed to Public Use

§ 423.10 What areas are open to public use?

All Reclamation facilities, lands, and waterbodies are open to lawful use by the public unless they are closed to public use under this subpart B of this part 423, or as provided by 43 CFR part 420, Off-Road Vehicle Use.

§ 423.11 What areas are closed to public use?

The following Reclamation facilities, lands, and waterbodies, or portions thereof, are closed to public use:

(a) Those that were closed to public use as of April 17, 2006, as evidenced by fencing, gates, barriers, locked doors, road closures, signage, posting of notices, or other reasonably obvious means, as provided in § 423.14;

(b) Those that are closed after April 17, 2006 under § 423.12;

(c) Those that are closed periodically and regularly under § 423.13; and

(d) Those that are closed to off-road vehicle use pursuant to 43 CFR part 420.

§ 423.12 How will Reclamation notify the public of additional closed areas?

(a) *Non-emergency situations.* In non-emergency situations, an authorized official must provide 30 days advance public notice before closing all or portions of Reclamation facilities, lands, or waterbodies. The notice must include publication in a newspaper of general circulation in the locale of the Reclamation facilities, lands, or waterbodies to be closed. Non-emergency situations covered by this section include:

(1) Protection and security of Reclamation facilities and of Reclamation's employees and agents;

(2) Protection of public health and safety, cultural resources, natural resources, scenic values, or scientific research activities;

(3) Safe and efficient operation and maintenance of Reclamation projects;

(4) Reduction or avoidance of conflicts among visitor use activities;

(5) National security; or

(6) Other reasons in the public interest.

(b) *Emergency situations.* In emergency situations where delay would result in significant and immediate risks to public safety, security, or other public concerns, an authorized official may close all or portions of Reclamation facilities, lands, or waterbodies without advance public notice.

§ 423.13 How will Reclamation establish periodic and regular closures?

Reclamation facilities, lands, or waterbodies that are closed periodically and regularly, regardless of the date of the initial closure, must be noticed as provided in § 423.12(a) only once, and at any time the schedule of closure is changed.

§ 423.14 How will Reclamation post and delineate closed areas at the site of the closure?

Before or at the time of closing all or portions of Reclamation facilities, lands, or waterbodies to public use, the responsible authorized official must indicate the closure by:

(a) Locked doors, fencing, gates, or other barriers;

(b) Posted signs and notices at conspicuous locations, such as at normal points of entry and at reasonable intervals along the boundary of the closed area; or

(c) Other reasonably obvious means including, but not limited to, onsite personal contact with a uniformed official.

§ 423.15 How will Reclamation document closures or reopenings?

(a) The authorized official must document the reason(s) for establishing any closure or reopening that occurs after April 17, 2006. The official must do this before the closure or reopening, except in the situations described in § 423.12(b). In such situations, the authorized official must complete the documentation as soon as practicable.

(b) Documentation of a closure must cite one or more of the conditions for closure described in § 423.12 of this part.

(c) Documentation of closures or reopenings will be available to the public upon request, except when the release of this documentation could result in a breach of national security or the security of Reclamation facilities.

§ 423.16 Who can be exempted from closures?

(a) You may be exempted from a closure, subject to any terms and conditions established under paragraph (c) of this section, by written authorization from the authorized official who effected or who is responsible for the closure, if you are:

(1) A person with a license or concession agreement that requires you to have access to the closed Reclamation facilities, lands, or waterbodies;

(2) An owner or lessee of real property, resident, or business in the vicinity of closed Reclamation facilities, lands, or waterbodies who cannot reasonably gain access to your property,

residence, or place of business without entering and crossing such closed Reclamation facilities, lands, or waterbodies; or

(3) A holder of a permit granting you an exemption from the closure issued under subpart D of this part 423 by the authorized official who effected or who is responsible for the closure.

(b) You may request exemption from a closure by writing to the authorized official who effected or who is responsible for the closure. You need not do so if you have such an exemption in effect on April 17, 2006.

(c) An authorized official may establish terms and conditions on any exemption from a closure, or terminate such exemption, for any of the reasons listed in § 423.12.

§ 423.17 How will Reclamation reopen closed areas?

An authorized official may reopen to public use any Reclamation facilities, lands, and waterbodies, or portions thereof. The authorized official may do this at any time with advance or subsequent public notice, except as required by other statute or regulation, and must document the reopening as provided in § 423.15.

Subpart C—Rules of Conduct

§ 423.20 General rules.

(a) You must obey all applicable Federal, state, and local laws whenever you are at or on any Reclamation facilities, lands, or waterbodies.

(b) You must comply with all provisions of this subpart C whenever you are at or on any Reclamation facilities, lands, or waterbodies, except as specifically provided by:

(1) A permit issued by an authorized official under subpart D of this part 423;

(2) A contract with Reclamation or agency managing Reclamation facilities, lands, and waterbodies;

(3) The rules established by an authorized official in a special use area under subpart E of this part 423; or

(4) A right-of-use issued under 43 CFR part 429.

§ 423.21 Responsibilities.

(a) You are responsible for finding, being aware of, and obeying notices and postings of closed and special use areas established by an authorized official under subpart B and subpart E of this part 423.

(b) You are responsible for the use of any device, vehicle, vessel, or aircraft you own, lease, or operate on Reclamation facilities, lands, or waterbodies. You may be issued a citation for a violation of regulations applicable to the use of any device, vehicle, vessel, or aircraft as provided in this part as the owner, lessee, or operator.

(c) You are responsible for the use and treatment of Reclamation facilities, lands, and waterbodies, and the cultural resources, wildlife, and other natural resources located thereon, by you and those for whom you are legally responsible. This presumption is sufficient to issue a citation to you for violation of provisions of these regulations by you or by those for whom you are legally responsible.

(d) The regulations governing permits, other use authorizations, and fees on Reclamation lands that are found in subpart D of this part 423 apply to your use of Reclamation facilities, lands, and waterbodies.

(e) You must furnish identification information upon request by a law enforcement officer.

§ 423.22 Interference with agency functions and disorderly conduct.

(a) You must not assault, threaten, disturb, resist, intimidate, impede, or interfere with any employee or agent of Federal, state, or local government engaged in an official duty.

(b) You must comply with any lawful order of an authorized government employee or agent for the purpose of maintaining order and controlling public access and movement during law enforcement actions and emergency or safety-related operations.

(c) You must not knowingly give a false report or other false information to an authorized government employee or agent.

(d) You must not interfere with, impede, or disrupt the authorized use of Reclamation facilities, lands, or waterbodies or impair the safety of any person.

(e) Disorderly conduct is prohibited.

§ 423.23 Abandonment and impoundment of personal property.

(a) You must not abandon personal property of any kind in or on Reclamation facilities, lands, or waterbodies.

(b) You must not store or leave unattended personal property of any kind.

(1) Unattended personal property is presumed to be abandoned:

(i) After a period of 24 hours;

(ii) At any time after a posted closure takes effect under subpart B of this part 423; or

(iii) At any time for reasons of security, public safety, or resource protection.

(2) If personal property is presumed abandoned, an authorized official may impound it, store it, and assess a reasonable impoundment fee.

(3) The impoundment fee must be paid before the authorized official will return the impounded property to you.

(c) An authorized official may impound or destroy unattended personal property at any time if it:

(1) Interferes with safety, operation, or management of Reclamation facilities, lands, or waterbodies; or

(2) Presents a threat to persons or Reclamation project resources.

(d) An authorized official may dispose of abandoned personal property in accordance with the procedures contained in title 41 CFR and applicable Reclamation and Department of the Interior policy.

§ 423.24 Trespassing.

You must not trespass on Reclamation facilities, lands, and waterbodies.

§ 423.25 Vandalism, tampering, and theft.

(a) You must not tamper or attempt to tamper with, move, manipulate, operate, adjust, or set in motion property not under your lawful control or possession including, but not limited to, vehicles, equipment, controls, recreational facilities, and devices.

(b) You must not destroy, injure, deface, damage, or unlawfully remove property not under your lawful control or possession.

(c) You must not drop, place, throw, or roll rocks or other items inside, into, down, or from, dams, spillways, dikes, or other structures and facilities.

§ 423.26 Public events and gatherings.

You must not conduct public assemblies, meetings, gatherings, demonstrations, parades, and other events without a permit issued pursuant to subpart D of this part 423. Public gatherings that involve the possession or occupancy of Reclamation facilities, lands, and waterbodies are governed by 43 CFR part 429.

§ 423.27 Advertising and public solicitation.

You must not engage in advertising or solicitation on Reclamation facilities, lands, or waterbodies except as allowed under a valid contract with Reclamation, or as allowed by a permit issued pursuant to subpart D of this part 423.

§ 423.28 Memorials.

You must not bury, deposit, or scatter human or animal remains, or place memorials, markers, vases, or plaques on Reclamation facilities, lands, or waterbodies. This section does not apply to the burial of parts of fish or

wildlife taken in legal hunting, fishing, or trapping.

§ 423.29 Natural and cultural resources.

(a) You must not destroy, injure, deface, remove, search for, disturb, or alter natural resources or cultural resources, including abandoned buildings or structures, on or in Reclamation facilities, lands, or waterbodies except in accordance with § 423.29(g) and other applicable Federal, state, and local laws.

(b) You must not introduce wildlife, fish, or plants, including their reproductive bodies, into Reclamation lands and waterbodies without a permit issued pursuant to subpart D of this part 423.

(c) You must not drop, place, throw, or roll rocks or other items inside, into, at, or down, caves, caverns, valleys, canyons, mountainsides, thermal features, or other natural formations.

(d) You may bring firewood to or gather dead wood on Reclamation lands for fires as allowed under § 423.31. You must not damage or remove any live tree or part thereof except with proper authorization under 43 CFR part 429.

(e) You must not walk on, climb, enter, ascend, descend, or traverse cultural resources on Reclamation lands, including monuments or statues, except as specifically allowed in special use areas designated by an authorized official under subpart E of this part 423.

(f) You must not possess a metal detector or other geophysical discovery device, or use a metal detector or other geophysical discovery techniques to locate or recover subsurface objects or features on Reclamation lands, except:

(1) When transporting, but not using, a metal detector or other geophysical discovery device in a vehicle on a public road as allowed under applicable Federal, state, and local law; or

(2) As allowed by a permit issued pursuant to subpart D of this part 423.

(g) You may engage in renewable natural resource gathering activities such as picking berries and mushrooms, collecting antlers, and other similar activities as regulated by this part 423 and other applicable Federal, state, and local laws.

§ 423.30 Weapons, firearms, explosives, and fireworks.

(a) You may possess firearms, ammunition, bows and arrows, crossbows, or other projectile firing devices on Reclamation lands and waterbodies, provided the firearm, ammunition, or other projectile firing device is stowed, transported, and/or carried in compliance with applicable Federal, state, and local law, with the following exceptions:

(1) You must not have a weapon in your possession when at or in a Reclamation facility.

(2) You must comply with any prohibitions or regulations applicable to weapons in a special use area established by an authorized official under subpart E of this part 423.

(b) You must not discharge or shoot a weapon unless you are:

(1) Using a firearm or other projectile firing device lawfully for hunting or fishing as allowed under § 423.32, or at an authorized shooting or archery range; and

(2) In compliance with applicable Federal, state, and local law.

(c) You must not use or possess explosives, or fireworks or pyrotechnics of any type, except as allowed by a permit issued pursuant to subpart D of this part 423, or in special use areas so designated by an authorized official under subpart E of this part 423.

§ 423.31 Fires and flammable material.

(a) You must not leave a fire unattended, and it must be completely extinguished before your departure.

(b) You must not improperly dispose of lighted smoking materials, including cigarettes, cigars, pipes, matches, or other burning material.

(c) You must not burn materials that produce toxic fumes, including, but not limited to, tires, plastic, flotation materials, or treated wood products.

(d) You must not transport gasoline and other fuels in containers not designed for that purpose.

(e) You must comply with all applicable Federal, state, and local fire orders, restrictions, or permit requirements.

§ 423.32 Hunting, fishing, and trapping.

(a) You may hunt, fish, and trap in accordance with applicable Federal, state, and local laws, and subject to the restrictions of § 423.30, in areas where both of the following conditions are met:

(1) The area is not closed to public use under subpart B of this part 423; and

(2) The area has not been otherwise designated by an authorized official in a special use area under subpart E of this part 423.

(b) You must comply with any additional restrictions pertaining to hunting, fishing, and trapping established by an authorized official in a special use area under subpart E of this part 423.

§ 423.33 Camping.

(a) You may camp on Reclamation lands, except that you must comply with any restrictions, conditions, limitations, or prohibitions on camping established by an authorized official in a special use area under subpart E of this part 423.

(b) You must not camp on Reclamation lands at any single Reclamation project for more than 14 days during any period of 30 consecutive days, except as allowed by a permit issued under 43 CFR part 429;

(c) You must not attempt to reserve a campsite for future use by placing equipment or other items on the campsite, or by personal appearance, without camping on and paying the required fees for that campsite daily;

(d) You must not camp on or place any equipment at a campsite that is posted or otherwise marked as ''reserved'' or ''closed'' by an authorized official without a valid reservation for that campsite, except as allowed by a permit issued under subpart D of this part 423; and

(e) You must not dig in or level any ground, or erect any structure other than a tent, in a designated campground.

§ 423.34 Sanitation.

(a) You must not bring or improperly dispose of refuse on Reclamation facilities, lands, and waterbodies. Both the owner and the person bringing or disposing refuse may be issued a citation for violating this provision.

(b) Campers, picnickers, and all other persons using Reclamation lands must keep their sites free of trash and litter during the period of occupancy and must remove all personal equipment and clean their sites before departure.

(c) You must not construct a latrine within 200 yards of any Reclamation waterbody, or within 200 yards of the high water mark of any reservoir.

§ 423.35 Animals.

(a) You must not bring pets or other animals into public buildings, public transportation vehicles, or sanitary facilities. This provision does not apply to properly trained animals assisting persons with disabilities, such as seeing-eye dogs.

(b) You must not abandon any animal on Reclamation facilities, lands, or waterbodies, or harass, endanger, or attempt to collect any animal except game you are attempting to take in the course of authorized hunting, fishing, or trapping.

(c) Any unauthorized, unclaimed, or unattended animal on Reclamation lands may be:

(1) Removed in accordance with Federal law, and applicable state and local laws; and

(2) Confined at a location designated by an authorized official, who may

assess a reasonable impoundment fee that must be paid before the impounded animal is released to its owner.

(d) The following animals are prohibited and are subject to removal in accordance with Federal law, and applicable state and local laws:

(1) Captive wild or exotic animals (including, but not limited to, cougars, lions, bears, bobcats, wolves, and snakes), except as allowed by a permit issued under subpart D of this part 423; and

(2) Any pets or animals displaying vicious or aggressive behavior or posing a threat to public safety or deemed a public nuisance.

§ 423.36 Swimming.

(a) You may swim, wade, snorkel, scuba dive, raft, or tube at your own risk in Reclamation waters, except:

(1) Within 300 yards of dams, power plants, pumping plants, spillways, stilling basins, gates, intake structures, and outlet works;

(2) Within 100 yards of buoys or barriers marking public access limits;

(3) In canals, laterals, siphons, tunnels, and drainage works; or

(4) At public docks, launching sites, and designated mooring areas.

(b) You must display an international diver down, or inland diving flag in accordance with state and U.S. Coast Guard guidelines when engaging in any underwater activities.

(c) You must not dive, jump, or swing from dams, spillways, bridges, cables, towers, or other structures.

§ 423.37 Winter activities.

(a) You must not tow persons on skis, sleds, or other sliding devices with a motor vehicle or snowmobile, except that you may tow sleds designed to be towed behind snowmobiles if joined to the towing snowmobile with a rigid hitching mechanism, and you may tow disabled snowmobiles by any appropriate means.

(b) You must not ice skate, ice fish, or ice sail within 300 yards of dams, power plants, pumping plants, spillways, stilling basins, gates, intake structures, or outlet works.

§ 423.38 Operating vessels on Reclamation waters.

(a) You must comply with Federal, state, and local laws applicable to the operation of a vessel or other watercraft on Reclamation waters, and with any restrictions established by an authorized official.

(b) You must not operate a vessel in an area closed to the public.

(c) You must observe restrictions established by signs, buoys, and other regulatory markers.

(d) You must not operate a vessel, or knowingly allow another person to operate a vessel, in a reckless or negligent manner, or in a manner that endangers or is likely to endanger a person, property, natural resource, or cultural resource.

(e) You must not operate a vessel when impaired or intoxicated under the standards established by applicable state and local law.

(f) You must not occupy a vessel overnight, except where otherwise designated under applicable Federal, state, or local law, or where otherwise designated by an authorized official in a special use area.

(g) You must not use a vessel as a place of habitation or residence.

(h) You must not place or operate a vessel on a Reclamation waterbody for a fee or profit, except as allowed by contract or permit issued pursuant to subpart D of this part 423.

(i) You must remove your vessels from Reclamation lands and waters when not in actual use for a period of more than 24 hours, unless they are securely moored or stored at special use areas so designated by an authorized official.

(j) You must not attach or anchor a vessel to structures such as locks, dams, regulatory or navigational buoys, or other structures not designed for such purpose.

(k) You must display an international diver down, or inland diving flag in accordance with state and U.S. Coast Guard guidelines when operating a vessel involved in any underwater activities.

(l) You may engage in towing activities, including but not limited to waterskiing and tubing, only during daylight hours and subject to any applicable Federal, state, and local law.

§ 423.39 Standards for vessels.

(a) All vessels on Reclamation waters must:

(1) Be constructed and maintained in compliance with the standards and requirements established by, or promulgated under, Title 46 United States Code, and any applicable state and local laws and regulations;

(2) Have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with applicable state and local boating safety laws and regulations; and

(3) If motorized, have and utilize a proper and effective exhaust muffler as defined by applicable state and local laws. Actions or devices which render exhaust mufflers ineffective are prohibited.

(b) Owners or operators of vessels not in compliance with this § 423.39 may be required to remove the vessel immediately from Reclamation waterbodies until items of non-compliance are corrected.

§ 423.40 Vehicles.

(a) When operating a vehicle on Reclamation lands and Reclamation projects, you must comply with applicable Federal, state, and local laws, and with posted restrictions and regulations. Operating any vehicle through, around, or beyond a restrictive sign, recognizable barricade, fence, or traffic control barricade, is prohibited.

(b) You must not park a vehicle in violation of posted restrictions and regulations, or in a manner that would obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property, or natural feature. Vehicles so parked are subject to removal and impoundment at the owner's expense.

(c) You must not operate any vehicle, or allow another person to operate a vehicle in your control, in a careless, negligent or reckless manner that would endanger any person, property, natural resource, or cultural resource.

(d) In addition to the regulations in this part, the regulations governing off-road-vehicle use in 43 CFR part 420 apply.

§ 423.41 Aircraft.

(a) You must not takeoff or land an aircraft on Reclamation lands or waterbodies except in special use areas so designated by an authorized official. This paragraph does not apply to pilots engaged in emergency rescue or in the official business of Federal, state, or local governments or law enforcement agencies, or who are forced to land due to circumstances beyond the pilot's control.

(b) You must not operate any aircraft while on or above Reclamation facilities, lands, and waterbodies in a careless, negligent, or reckless manner so as to endanger any person, property, or natural feature.

(c) This section does not provide authority to deviate from Federal or state regulations, or prescribed standards, including, but not limited to, regulations and standards concerning pilot certifications or ratings and airspace requirements.

(d) Except in extreme emergencies threatening human life or serious property loss, you must not use non-standard boarding and loading

procedures to deliver or retrieve people, material, or equipment by parachute, balloon, helicopter, or other aircraft.

(e) Operation of aircraft on or over Reclamation lands and waterbodies is at the risk of the aircraft owner, pilot, and passenger(s).

(f) You must comply with all applicable U.S. Coast Guard rules and § 423.38 when operating a seaplane on Reclamation waterbodies.

(g) You must securely moor any seaplane remaining on Reclamation waterbodies in excess of 24 hours at mooring facilities and locations designated by an authorized official. Seaplanes may be moored for periods of less than 24 hours on Reclamation waterbodies, except in special use areas otherwise designated by an authorized official, provided:

(1) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or the safety of persons; and

(2) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if necessary.

(h) Commercial operation of seaplanes from Reclamation waterbodies is prohibited.

(i) You must not operate a seaplane on Reclamation lands and waterbodies between sunset and sunrise.

(j) You must comply with any further restrictions on the operation of aircraft in the proximity of specific Reclamation facilities, lands, or waterbodies established by an authorized official.

(k) You must not operate model aircraft except as allowed in special use areas established by an authorized official under subpart E of this part 423.

§ 423.42 Gambling.

Commercial gambling in any form, or the operation of gambling devices, is prohibited on Reclamation facilities, lands, and waterbodies unless authorized by applicable treaties or Federal, state, and local laws or regulations.

§ 423.43 Alcoholic beverages.

You must not possess or consume alcoholic beverages in violation of Federal, state, or local law, or the rules of a special use area established by an authorized official under subpart E of this part 423.

§ 423.44 Controlled substances.

You must not possess, consume, deliver, or be under the influence of, controlled substances included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) on Reclamation facilities, lands, or waterbodies, unless the controlled substance was legally obtained through a valid prescription or order.

Subpart D—Authorization of Otherwise Prohibited Activities

§ 423.50 How can I obtain permission for prohibited or restricted uses and activities?

(a) Authorized officials may issue permits to authorize activities on Reclamation facilities, lands, or waterbodies otherwise prohibited or restricted by §§ 423.16(a)(3), 423.26, 423.27, 423.29(b), 423.29(f), 423.30(c), 423.33(d), 423.35(d)(1), and 423.38(h), and may terminate or revoke such permits for non-use, non-compliance with the terms of the permit, violation of any applicable law, or to protect public health or safety or natural or cultural resources.

(b) You may apply for permission to engage in activities otherwise prohibited or restricted by the sections listed in paragraph (a) of this section. You may apply to the authorized official responsible for the area in which your activity is to take place, and this authorized official may grant, deny, or establish conditions or limitations on this permission.

(c) You must pay all required fees and properly display applicable permits, passes, or receipts.

(d) You must not violate the terms and conditions of a permit issued by an authorized official. Any such violation is prohibited and may result in suspension or revocation of the permit, or other penalties as provided in subpart F of this part 423, or both.

(e) You must, upon request by a law enforcement officer, security guard, or other government employee or agent acting within the scope of their official duties, display any permit authorizing your presence or activity on Reclamation facilities, lands, and waterbodies.

Subpart E—Special Use Areas

§ 423.60 How special use areas are designated.

(a) After making a determination under paragraph (b) of this section, an authorized official may:

(1) Establish special use areas within Reclamation facilities, lands, or waterbodies for application of reasonable schedules of visiting hours; public use limits; and other conditions, restrictions, allowances, or prohibitions on particular uses or activities that vary from the provisions of subpart C of this part 423, except § 423.28; and

(2) From time to time revise the boundaries of a previously designated special use area and revise or terminate previously imposed schedules of visiting hours; public use limits; and other conditions, restrictions, allowances, or prohibitions on a use or activity.

(b) Before taking action under paragraph (a) of this section, an authorized official must make a determination that action is necessary for:

(1) The protection of public health and safety;

(2) The protection and preservation of cultural and natural resources;

(3) The protection of environmental and scenic values, scientific research, the security of Reclamation facilities, the avoidance of conflict among visitor use activities; or

(4) Other reasons in the public interest.

§ 423.61 Notifying the public of special use areas.

When establishing, revising, or terminating a special use area, Reclamation must notify the public as required by this section.

(a) *What notices must contain.* The notice must specify:

(1) The location of the special use area; and

(2) The public use limits, conditions, restrictions, allowances, or prohibitions on uses and activities that are to be applied to the area or that are to be revised or terminated.

(b) *How notice must be made.* Reclamation must publish the notice required by paragraph (a) of this section in the **Federal Register** at least 15 days before the action takes place. Reclamation must also notify the public by one or more of the following methods:

(1) Signs posted at conspicuous locations, such as normal points of entry and reasonable intervals along the boundary of the special use area;

(2) Maps available in the local Reclamation office and other places convenient to the public;

(3) Publication in a newspaper of general circulation in the affected area; or

(4) Other appropriate methods, such as the use of electronic media, brochures, and handouts.

(c) *When notice may be delayed.*

(1) Notice under this section may be delayed in an emergency where delaying designation, revision, or termination of a special use area would result in significant risk to:

(i) National security; or

(ii) The security of a Reclamation facility, Reclamation employees, or the public.

(2) If the exception in paragraph (c)(1) of this section applies, Reclamation

must comply with paragraph (b) of this section within 30 days after the effective date of the designation.

(3) Failure to meet the **Federal Register** notice deadlines in paragraphs (b) or (c)(2) of this section will not invalidate an action, so long as Reclamation meets the remaining notification requirements of this section.

(d) *When notice is not required.* Notice under this section is not required if all the following conditions are met:

(1) The action will not result in a significant change in the public use of the area;

(2) The action will not adversely affect the area's natural, esthetic, scenic or cultural values;

(3) The action will not require a long-term or significant modification in the resource management objectives of the area; and

(4) The action is not highly controversial.

§ 423.62 Documentation of special use area designation or termination.

(a) The authorized official must document the reasons for designating a special use area and the restrictions, conditions, public use limits, or prohibitions that apply to that area. In the case of the termination of a previously established restriction, condition, public use limit, or prohibition, the authorized official must make a written determination as to why the restriction is no longer necessary.

(b) Documentation of the designation or termination of a special use area must occur before the action, except in the emergency situations described in § 423.61(c). In the latter case, the documentation is required within 30 days after the date of the designation.

(c) Reclamation will make documents produced under this section available to the public upon request except where such disclosure could compromise national or facility security, or human safety.

§ 423.63 Reservations for public use limits.

To implement a public use limit, an authorized official may establish a registration or reservation system.

§ 423.64 Existing special use areas.

Areas designated and formally documented for special uses, public use limits, or other restrictions, on April 17, 2006 will remain so designated without the need for compliance with §§ 423.60 through 423.63, except with respect to termination or modification of the special uses, public use limits, or other restrictions.

Subpart F—Violations and Sanctions

§ 423.70 Violations.

(a) When at, in, or on Reclamation facilities, lands, or waterbodies, you must obey and comply with:

(1) Any closure orders established under subpart B of this part 423;

(2) The regulations in subpart C of this part 423;

(3) The conditions established by any permit issued under subpart D of this part 423; and

(4) The regulations established by an authorized official in special use areas under subpart E of this part 423.

(b) Violating any use or activity prohibition, restriction, condition, schedule of visiting hours, or public use limit established by or under this part 423 is prohibited.

(c) Any continuous or ongoing violation of these regulations constitutes a separate violation for each calendar day in which it occurs.

§ 423.71 Sanctions.

Under section (1)(a) of Public Law 107–69, you are subject to a fine under chapter 227, subchapter C of title 18 United States Code (18 U.S.C. 3571), or can be imprisoned for not more than 6 months, or both, if you violate:

(a) The provisions of this part 423; or

(b) Any condition, limitation, or prohibition on uses or activities, or of public use limits, imposed under this part 423.

PART 429—PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN THE PERMITTING OF SUCH USE

■ 2. Revise the authority citation for part 429 to read as follows:

Authority: 43 U.S.C. 373 (32 Stat. 390); 43 U.S.C. 387 (53 Stat. 1196), as amended by 64 Stat. 463, c. 752 (1950); Department of the Interior Manual Part 346, Chapters 1, 2, 3, and 4; 43 U.S.C. 501; Independent Offices Appropriation Act (31 U.S.C. 483a); and Budget Circular A–25, as amended by transmittal memorandums 1 and 2 of Oct. 22, 1963, and April 16, 1974.

■ 3. Revise § 429.1 to read as follows:

§ 429.1 Purpose.

The purpose of this part is to notify the public that any possession or occupancy of any portion of and the extraction or disturbance of any natural resources from Reclamation facilities, lands, or waterbodies are prohibited without written authorization from Reclamation, except for the legal harvest or collection of fish, wildlife, or plant material in conformance with applicable Federal, state, and local laws. Written authorizations must meet the requirements of the Independent Offices Appropriation Act (31 U.S.C. 483a) and Office of Management and Budget Circular A–25, as amended; both of which require that Reclamation recover both the fair market value of rights-of-use granted to applicants and the administrative costs associated with the issuing of rights-of-use on facilities, lands, and waterbodies administered by Reclamation. This part also refers to costs incurred by Reclamation when, at the request of other agencies and parties, Reclamation gives aid and assistance in rights-of-use matters.

■ 4. In § 429.2, paragraphs (c) and (d) are revised and new paragraphs (m) and (n) are added to read as follows:

§ 429.2 Definitions.

* * * * *

(c) *Regional Director* means any one of the Reclamation Regional Directors designated by the Commissioner to act in specified rights-of-use actions. The Regional Directors may re-delegate portions of their authorities for granting rights-of-use to officers and employees of Reclamation.

(d) *Rights-of-use* means rights-of-way, easements, permits, licenses, contracts, or agreements issued or granted non-competitively by Reclamation that authorize the possession or occupation of and the extraction or disturbance of natural resources on Reclamation facilities, lands, and waterbodies.

* * * * *

(m) *Possession or occupancy* and *possess or occupy* both mean to have in one's actual control or to use, hold, or reside in or on Reclamation facilities, lands, or waterbodies, including to use or hold such facilities, lands, or waterbodies in a manner or for a purpose that only temporarily restricts or precludes other public uses.

(n) *Reclamation land or lands* means facilities, lands, and waterbodies under Reclamation's administrative control or jurisdiction.

■ 5. In § 429.3(c), remove the word ''apprised'' and add in its place ''appraised.''

■ 6. In § 429.6, remove the second sentence of the introductory text.

■ 7. Remove and reserve § 429.11.

■ 8. Add §§ 429.12 and 429.13, to read as follows:

§ 429.12 Applicability.

(a) This part 429 applies to any possession or occupancy of Reclamation facilities, lands, or waterbodies.

(b) This part 429 does not apply to the use of Reclamation lands for transitory activities such as hiking, camping,

sightseeing, picnicking, hunting, swimming, boating, fishing, and other personal recreational pursuits. These activities are governed by 43 CFR part 423, Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies.

(c) This part does not apply to leasing Reclamation lands for grazing, agriculture, or any other purposes where a greater return will be realized by the United States through a competitive bidding process.

(d) This part does not apply to interests issued or granted for the replacement or relocation of facilities belonging to others under section 14 of the Reclamation Project Act of August 4, 1939, 43 U.S.C. 389.

(e) This part does not apply to archaeological resources or archaeological resources management activities that are governed by the Archaeological Resources Protection Act (Pub. L. 96–95), 43 CFR part 7, and 43 CFR part 423.

§ 429.13 General restrictions.

You must not possess or occupy, or extract or remove natural resources from Reclamation facilities, lands, or waterbodies unless you obtain a right-of-use in accordance with this part 429 or under other written agreement with Reclamation.

[FR Doc. 06–3618 Filed 4–13–06; 10:27 am]

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Providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution. (Apr. 13, 2006; 120 Stat. 331)

H.J. Res. 82/P.L. 109–217

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63 (63.1440–63.6175)	(869–056–00149–5)	32.00	July 1, 2005
63 (63.6580–63.8830)	(869–056–00150–9)	32.00	July 1, 2005
63 (63.8980–End)	(869–056–00151–7)	35.00	[7]July 1, 2005
64–71	(869–056–00152–5)	29.00	July 1, 2005
72–80	(869–056–00153–5)	62.00	July 1, 2005
81–85	(869–056–00154–1)	60.00	July 1, 2005
86 (86.1–86.599–99)	(869–056–00155–0)	58.00	July 1, 2005
86 (86.600–1–End)	(869–056–00156–8)	50.00	July 1, 2005
87–99	(869–056–00157–6)	60.00	July 1, 2005
100–135	(869–056–00158–4)	45.00	July 1, 2005
136–149	(869–056–00159–2)	61.00	July 1, 2005
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266–299	(869–056–00163–1)	50.00	July 1, 2005
300–399	(869–056–00164–9)	42.00	July 1, 2005
400–424	(869–056–00165–7)	56.00	[8]July 1, 2005
425–699	(869–056–00166–5)	61.00	July 1, 2005
700–789	(869–056–00167–3)	61.00	July 1, 2005
790–End	(869–056–00168–1)	61.00	July 1, 2005
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–056–00169–0)	24.00	July 1, 2005
101	(869–056–00170–3)	21.00	July 1, 2005
102–200	(869–056–00171–1)	56.00	July 1, 2005
201–End	(869–056–00172–0)	24.00	July 1, 2005
42 Parts:			
1–399	(869–056–00173–8)	61.00	Oct. 1, 2005
400–429	(869–056–00174–6)	63.00	Oct. 1, 2005
430–End	(869–056–00175–4)	64.00	Oct. 1, 2005
43 Parts:			
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1000–end	(869–056–00177–1)	62.00	Oct. 1, 2005
44	(869–056–00178–9)	50.00	Oct. 1, 2005
45 Parts:			
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500–1199	(869–056–00171–9)	56.00	Oct. 1, 2005
1200–End	(869–056–00182–7)	61.00	Oct. 1, 2005
46 Parts:			
1–40	(869–056–00183–5)	46.00	Oct. 1, 2005
41–69	(869–056–00184–3)	39.00	[9]Oct. 1, 2005
70–89	(869–056–00185–1)	14.00	[9]Oct. 1, 2005
90–139	(869–056–00186–0)	44.00	Oct. 1, 2005
140–155	(869–056–00187–8)	25.00	Oct. 1, 2005
156–165	(869–056–00188–6)	34.00	[9]Oct. 1, 2005
166–199	(869–056–00189–4)	46.00	Oct. 1, 2005
200–499	(869–056–00190–8)	40.00	Oct. 1, 2005
500–End	(869–056–00191–6)	25.00	Oct. 1, 2005
47 Parts:			
0–19	(869–056–00192–4)	61.00	Oct. 1, 2005
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70–79	(869–056–00195–9)	61.00	Oct. 1, 2005
80–End	(869–056–00196–7)	61.00	Oct. 1, 2005
48 Chapters:			
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29–End	(869–056–00203–3)	47.00	Oct. 1, 2005
49 Parts:			
1–99	(869–056–00204–1)	60.00	Oct. 1, 2005
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50 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2005. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2004, through April 1, 2005. The CFR volume issued as of April 1, 2004 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2004 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2004, through July 1, 2005. The CFR volume issued as of July 1, 2003 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2004, through October 1, 2005. The CFR volume issued as of October 1, 2004 should be retained.