

Section 609. Shrimp imports from any nation not certified were prohibited effective May 1, 2006 pursuant to Section 609.

**DATES:** *Effective Date:* On publication.

**FOR FURTHER INFORMATION CONTACT:**

Clayton Stanger, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-2335.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On April 28, 2006, the Department certified 14 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Belize, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Pakistan, Panama, Suriname, and Venezuela.

The Department also certified 24 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Eight nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The eight nations and one economy are: the Bahamas, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru and Sri Lanka.

The Department of State has communicated the certifications under Section 609 to the Office of Field Operations of U.S. Customs and Border Protection.

In addition, this **Federal Register** Notice confirms that the requirement for all DS-2031 forms from uncertified nations must be originals and signed by the competent domestic fisheries authority.

This policy change was first announced in a Department of State media note released on December 21, 2004.

Dated: May 12, 2006.

**David A. Balton,**

*Deputy Assistant Secretary for Oceans & Fisheries, Department of State.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for a Change in Use of Aeronautical Property at Portland International Jetport, Portland, ME

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for public comments.

**SUMMARY:** The FAA is requesting public comment on the City of Portland's request to swap approx. 1.44 acres of aeronautical use property with the State of Maine. The parcels are located off Brickhill Avenue, South Portland, and were once part of the Maine Youth Center. The swap will straighten the property boundary allowing for both the City and State to develop both parcels to their maximum potential. The parcel to be conveyed to the Jetport will be used for aeronautical purposes. The parcel conveyed to the State will be used for automobile parking. The property was acquired under AIP Project No. 3-23-0038-54-2003.

The disposition of proceeds from the disposal of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

**DATES:** Comments must be received on or before June 22, 2006.

**ADDRESSES:** Documents are available for review by appointment by contacting Jeffrey Shultes, Airport Manager at Portland International Jetport, Telephone 207-772-0690, and by contacting Donna R. Witte, Federal Aviation Administration, 16 New England Executive Park, Burlington,

Massachusetts, Telephone 781-238-7624.

**FOR FURTHER INFORMATION CONTACT:**

Donna R. Witte at the Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone 781-238-7624.

**SUPPLEMENTARY INFORMATION:** Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) requires the FAA to provide an opportunity for public notice and comment to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport property for aeronautical purposes.

Issued in Burlington, Massachusetts on May 4, 2006.

**Bryon Rakoff,**

*Acting Manager, Airports Division, New England Region.*

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**BILLING CODE 4910-13-M**

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in Ohio

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for Judicial Review of Actions by FHWA and other Federal agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project that relocates SR-73 from near Mitchell Road northwest of the City of Wilmington, to near Airborne Road east of the City of Wilmington, in Clinton County, Ohio. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 20, 2006. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark L. Vonder Embse, P.E., Senior Transportation Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio, 43215; e-

mail: [mark.vonderembse@fhwa.dot.gov](mailto:mark.vonderembse@fhwa.dot.gov); telephone: (614) 280-6854; FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time). You may also contact Mr. Tim Hill, Ohio Department of Transportation, 1980 West Broad Street, Columbus, OH 43223; telephone: (614) 644-0377.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Ohio: SR-73 from near Mitchell Road northwest of the City of Wilmington, to near Airborne Road east of the City of Wilmington, in Clinton County, Ohio. The project will provide a 6.75 mile long, four-lane divided limited access highway on new location. This project is also known as the "Wilmington Bypass." The alignment of the roadway extends eastward from Mitchell Road and includes interchanges with US-68 and US-22/SR-3, then extends southward to the terminus near Airborne Road. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on December 15, 2005, in the FHWA Finding Of No Significant Impact (FONSI) issued on April 7, 2006, and in other documents in the FHWA administrative record. The EA, FONSI, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Ohio Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act, 42 U.S.C. 7401-7671(q).
3. *Land:* Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), [23 U.S.C. 319]; National Forest Management Act (NFMA) of 1976 [16 U.S.C. 1600-1614].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic

Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401-406; Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: January 25, 2006.

**Patrick A. Bauer,**  
Assistant Division Administrator, Columbus, Ohio.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 662]

#### Review of Liability of Motor Common Carriers of Household Goods

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice and request for comments.

**SUMMARY:** In the Safe, Accountable, Flexible, Efficient Transportation Equity

Act: A Legacy for Users (SAFETEA-LU), Public Law No. 109-59, § 4215, 119 Stat. 1144 (2005), Congress directed the Surface Transportation Board (Board) to review the current Federal regulations regarding the level of liability protection provided by motor carriers that provide transportation of household goods (HHG) and revise the regulations, if necessary, to provide enhanced protection in the case of loss or damage. The Board seeks public comment on the issue.

**DATES:** Comments are due June 22, 2006.

**ADDRESSES:** Send an original and 10 copies of any comments, referring to STB Ex Parte No. 662, to: Surface Transportation Board, 1925 K Street, NW., Washington DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Lawrence C. Herzig, (202) 565-1578. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339].

**SUPPLEMENTARY INFORMATION:** Prior to the enactment of SAFETEA-LU on August 10, 2005, under 49 U.S.C. 14706, motor carriers of HHG were generally held liable for the actual loss or injury they caused to the property they transported and, because most HHG are "used," the carrier's liability historically extended to the depreciated value of the goods. However, under 49 U.S.C. 14706(f), HHG carriers could, with the Board's permission, limit their liability by offering "released rates" (rates under which the carrier is released from the statutory level of cargo liability, and the carrier's liability for a shipment of property is limited to a value established by written declaration of the shipper or by a written agreement). The Board has issued orders authorizing HHG carriers to adopt released rates that follow a certain format.

In section 4207 of SAFETEA-LU, Congress changed the statutorily prescribed, standard liability of HHG carriers for loss or damage to the replacement value of the goods, up to the pre-declared total value of the shipment, unless the shipper waives in writing that level of protection. In addition to making that statutory change, Congress also directed the Board, in section 4215, to review the current Federal regulations regarding the level of liability protection provided by HHG carriers and revise the regulations, if necessary, to provide enhanced protection in the case of loss or damage.

The current regulations at 49 CFR 375.201-203, promulgated by the Federal Motor Carrier Safety Administration of the Department of Transportation, provide generally that a