

# Proposed Rules

Federal Register

Vol. 71, No. 104

Wednesday, May 31, 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 AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 330

#### 9 CFR Part 94

[Docket No. 05-002-3]

### Interstate Movement of Garbage From Hawaii; Municipal Solid Waste

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** We are reopening the comment period for our proposed rule that would amend the regulations pertaining to certain garbage to provide for the interstate movement of garbage from Hawaii subject to measures designed to protect against the dissemination of plant pests into noninfested areas of the continental United States. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** We will consider all comments that we receive on or before June 5, 2006.

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

Federal eRulemaking Portal: Go to <http://www.regulations.gov> and, in the lower "Search Regulations and Federal Actions" box, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click on "Submit." In the Docket ID column, select APHIS-2005-0047 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

• Postal Mail/Commercial Delivery: Please send four copies of your

comment (an original and three copies) to Docket No. 05-002-2, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 05-002-2.

**Reading Room:** You may read any comments that we receive on Docket No. 05-002-2 in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

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

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon Hamm, Assistant Deputy Administrator, Policy and Program Development, APHIS, 4700 River Road Unit 20, Riverdale, MD 20737-1231; (301) 734-4957.

**SUPPLEMENTARY INFORMATION:** On April 19, 2006, we published in the **Federal Register** (71 FR 20030-20041, Docket No. 05-002-2) a proposal to amend the regulations pertaining to certain garbage to provide for the interstate movement of garbage from Hawaii subject to measures designed to protect against the dissemination of plant pests into noninfested areas of the continental United States.

Comments on the proposed rule were required to be received on or before May 19, 2006. We are reopening the comment period on Docket No. 05-002-2 until June 5, 2006. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between May 19, 2006, and the date of this notice.

**Authority:** 7 U.S.C. 450, 7701-7772, 7781-7786, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, 371.3, and 371.4.

Done in Washington, DC, this 25th day of May 2006.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E6-8455 Filed 5-30-06; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### 10 CFR Part 430

[Docket No. EE-2006-STD-0131]

RIN 1904-AA92

### Energy Conservation Standards for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps: Public Meeting and Availability of the Framework Document

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of public meeting and availability of the Framework Document.

**SUMMARY:** The Department of Energy (DOE or Department) will hold an informal public meeting to discuss and receive comments on issues it will address in this rulemaking proceeding. The Department is initiating the rulemaking process to amend energy conservation standards for general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps. The Department also encourages written comments on these subjects. To inform stakeholders and facilitate this process, DOE has prepared a Framework Document, a draft of which is available at: [http://www.eere.energy.gov/buildings/appliance\\_standards/](http://www.eere.energy.gov/buildings/appliance_standards/).

**DATES:** The Department will hold a public meeting on Thursday, June 15, 2006, from 9 a.m. to 5 p.m. in Washington, DC. Any person requesting to speak at the public meeting should submit a request to speak before 4 p.m., Thursday, June 8, 2006. The Department must receive a signed original and an electronic copy of statements to be given at the public meeting before 4 p.m., Thursday, June 8, 2006. Written comments are welcome, especially following the public meeting, and should be submitted by Thursday, June 29, 2006.

**ADDRESSES:** The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW., Washington, DC 20585-0121. (Please note that foreign nationals participating

in the public meeting are subject to advance security screening procedures. If a foreign national wishes to participate in the workshop, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards-Jones at (202) 586-2945 so that the necessary procedures can be completed.)

Stakeholders may submit comments, identified by docket number EE-2006-STD-0131 and/or RIN number 1904-AA92, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- E-mail: [fluorescent\\_and\\_incandescent\\_lamps.rulemaking@ee.doe.gov](mailto:fluorescent_and_incandescent_lamps.rulemaking@ee.doe.gov). Include EE-2006-STD-0131 and/or RIN 1904-AA92 in the subject line of the message.

- Mail: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, Framework Document for Fluorescent and Incandescent Lamps, EE-2006-STD-0131 and/or RIN 1904-AA92, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed paper original.

- Hand Delivery/Courier: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Room 1J-018, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-2945. Please submit one signed paper original.

**Instructions:** All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking.

**Docket:** For access to the docket to read background documents, a copy of the transcript of the public meeting, or comments received, go to the U.S. Department of Energy, Forrestal Building, Room 1J-018 (Resource Room of the Building Technologies Program), 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9127, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the Resource Room.

**FOR FURTHER INFORMATION CONTACT:**

Linda Graves, Esq., U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-1851. E-mail: [linda.graves@ee.doe.gov](mailto:linda.graves@ee.doe.gov). Thomas B. DePriest, Esq., U.S. Department of Energy, Office of General Counsel, GC-72, 1000 Independence

Avenue, SW., Washington, DC 20585-0121, (202) 586-9507. E-mail: [Thomas.DePriest@hq.doe.gov](mailto:Thomas.DePriest@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The Energy Policy and Conservation Act (EPCA or the Act) of 1975 (42 U.S.C. 6291-6309) established an energy conservation program for major household appliances. The National Energy Conservation Policy Act of 1978 (NECPA) amended EPCA to add Part C of Title III (42 U.S.C. 6311-6317), which established an energy conservation program for certain industrial equipment. Additional amendments to EPCA have given DOE the authority to regulate the energy efficiency of several products, including certain fluorescent and incandescent lamps, the products that are the focus of this rulemaking. Amendments to EPCA in the Energy Policy Act of 1992 (EPACT 1992), Public Law 102-486, established energy conservation standards for residential, commercial and industrial general service fluorescent lamps and incandescent reflector lamps, as well as requirements to conduct two cycles of rulemakings for determining whether these standards should be amended.<sup>1</sup> (42 U.S.C. 6295(i)(1), (3)-(4)) In addition, EPCA provides that within twenty-four months after the Federal Trade Commission's (FTC) labeling requirements have become effective for general service fluorescent lamps and general service incandescent lamps, DOE must initiate a rulemaking to determine if the standards in effect for such lamps should be amended so that they would be applicable to additional general service fluorescent and general service incandescent lamps. (42 U.S.C. 6295(i)(5)) Furthermore, according to EPCA, DOE must publish a rule within eighteen months of initiating the rulemaking. (Id.) The FTC published its labeling requirements for covered lamps on May 13, 1994, which had an effective date of May 15, 1995. 59 FR 25176. Previously, the Department did not take action on the requirements of 42 U.S.C. 6295(i) because lamps were assigned low priority based on public comment and potential energy savings estimates in the priority setting process.<sup>2</sup>

<sup>1</sup> Although EPACT 1992 placed regulatory authority, standards, and definitions for fluorescent and incandescent lamps under the energy conservation program for consumer products (42 U.S.C. 6291-6309), those provisions also apply to general service fluorescent and incandescent reflector lamps distributed for commercial use. (42 U.S.C. 6291(1)).

<sup>2</sup> See Appendix B to FY 2005 Preliminary Priority-Setting Summary Report on the DOE Web page at: [http://www.eere.energy.gov/buildings/appliance\\_standards/priority\\_setting.html](http://www.eere.energy.gov/buildings/appliance_standards/priority_setting.html).

Section 1.2 of the Framework Document provides detail on the distinction between fluorescent lamps and general service fluorescent lamps, and the differences among incandescent lamps, incandescent reflector lamps and general service incandescent lamps. The following paragraphs discuss the statutory requirements and actions that DOE is taking for each of the lamp types covered in this rulemaking.<sup>3</sup>

EPCA's standards for general service fluorescent lamps require that they meet prescribed minimum efficacy levels per given color rendering index (CRI) levels.<sup>4</sup> In this rulemaking, DOE is conducting its first review, pursuant to 42 U.S.C. 6295(i)(3), to determine if these standards should be amended, while fulfilling the additional requirement, in 42 U.S.C. 6295(i)(5), to determine if the standards should be applicable to additional general service fluorescent lamps.

As with general service fluorescent lamps, EPCA establishes energy conservation standards for incandescent reflector lamps, requiring that certain lamps meet prescribed efficacy levels. In this rulemaking, the Department is conducting its first review, pursuant to 42 U.S.C. 6295(i)(3), to determine if the standards should be amended. The Department is also fulfilling the additional requirement in 42 U.S.C. 6295(i)(5) to determine whether the standards should cover additional general service incandescent lamps, including additional incandescent reflector lamps.

To begin the required rulemaking process, the Department prepared the Framework Document to present the issues and explain the analyses and process it anticipates using to amend the energy conservation standards for general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps. The focus of the public meeting will be to

<sup>3</sup> This rulemaking addresses "backlog" rulemakings for incandescent general service lamps, fluorescent lamps, and incandescent reflector lamps that are identified in the report that DOE submitted to Congress on January 31, 2006, Energy Conservation Standards Activities, pursuant to section 141 of the Energy Policy Act of 2005 (Pub. L. 109-58) and to the Conference Report (109-275) to the Fiscal Year 2006, Energy and Water Development Appropriations Act. The report is available as a PDF file on the DOE Web page at: [http://www.eere.energy.gov/buildings/appliance\\_standards/2006\\_schedule\\_setting.html](http://www.eere.energy.gov/buildings/appliance_standards/2006_schedule_setting.html).

<sup>4</sup> The Act defines "lamp efficacy" as "the lumen output of a lamp divided by its wattage, expressed in lumens per watt (LPW)." (42 U.S.C. 6291(30)(M)) It defines "color rendering index" (CRI) as "the measure of the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature." (42 U.S.C. 6291(30)(J)).

discuss the analyses and issues identified in various sections of the Framework Document. During the Department's presentation to stakeholders, the Department will discuss each item listed in the Framework Document as an issue for comment. The Department will also make a brief presentation on the rulemaking process for these products. The Department encourages those who wish to participate in the public meeting to obtain the Framework Document and be prepared to discuss its contents. A copy of the draft Framework Document is available at: [http://www.eere.energy.gov/buildings/appliance\\_standards/](http://www.eere.energy.gov/buildings/appliance_standards/). However, public meeting participants need not limit their discussions to the topics in the Framework Document. The Department is also interested in receiving views concerning other relevant issues that participants believe would affect energy conservation standards for these products. The Department also welcomes all interested parties, whether or not they participate in the public meeting, to submit in writing by Thursday, June 29, 2006, comments and information on the matters addressed in the Framework Document and on other matters relevant to consideration of standards for these lamps.

The public meeting will be conducted in an informal, facilitated, conference style. A court reporter will be present to prepare a transcript of the meeting. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by the U.S. antitrust laws.

After the public meeting and the expiration of the period for submitting written statements, the Department will begin collecting data, conducting the analyses as discussed at the public meeting, and reviewing the comments received.

Anyone who would like to participate in the public meeting, receive meeting materials, or be added to the DOE mailing list to receive future notices and information regarding fluorescent and incandescent lamps, should contact Ms. Brenda Edwards-Jones at (202) 586-2945.

Issued in Washington, DC, on May 24, 2006.

**Douglas L. Faulkner,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E6-8356 Filed 5-30-06; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 15 CFR Part 360

[Docket Number: 060316072-6072-01]

RIN: 0625-AA70

#### Mexican Cement Import Licensing System

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

**ACTION:** Proposed rule and request for public comment.

**SUMMARY:** The Department of Commerce (Commerce) requests public comment on a proposed rule to establish a Mexican Cement Import Licensing System in accordance with the Agreement Between the Office of the United States Trade Representative and the Department of Commerce of the United States of America and the Ministry of Economy of the United Mexican States (Secretaria de Economia) on Trade in Cement (Agreement), dated March 6, 2006. This cement licensing system is intended to enable Commerce to monitor the sub-regional export limits established by the Agreement for the three year duration of the Agreement.

**DATES:** Written comments must be received on or before 5 p.m., Eastern daylight savings time on June 30, 2006.

**ADDRESSES:** Written comments should be sent to Jonathan Herzog, Senior International Trade Policy Analyst, Import Administration, Room 1870, Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon (202) 482-0162; Judith Wey Rudman (202) 482-0192; or Jonathan Herzog (202) 482-4271.

**SUPPLEMENTARY INFORMATION:** On March 6, 2006, the Office of the United States Trade Representative (USTR), Commerce, and Secretaria de Economia signed a bilateral agreement concerning trade in cement between the United States and Mexico. A copy of the Agreement is available on the Commerce Web site: <http://www.ia.ita.doc.gov/download/mexico-cement-final-agreement.pdf>. This Agreement settles ongoing litigation before the North American Free Trade Agreement (NAFTA) and World Trade Organization (WTO) dispute resolution panels, and provides for export limits for three years. This Agreement applies only to cement from Mexico as defined in Section I.L. of the Agreement.

The Agreement provides that Commerce shall establish an import licensing system in order to implement the terms of this Agreement. Consistent with Reorganization Plan No. 5 of 1950, effective May 24 (1950 15 FR 3174, 64 Stat. 1263), the Secretary of Commerce has delegated the authority for establishing and operating such a system, as provided under 13 U.S.C. 301(a) and 302, to the International Trade Administration (ITA) under Delegation of Authority 10-3. In order to implement this authority, ITA is today publishing this proposed rule and request for comment to establish an internet-based cement licensing system called the Mexican Cement Import Licensing System. The Mexican Cement Import Licensing System is designed to allow Commerce to gain all of the real-time information it needs to meet its obligations under this important bilateral trade agreement with Mexico. The system would be comprised of two parts:

- (1) An online registration system for cement importers; and
- (2) An automatic cement license issuance system.

All importers of cement products from Mexico would be required to obtain an import license and provide that license number to U.S. Customs and Border Protection (CBP) on the entry summary (CBP Form 7501). In addition to the standard information required to be reported on CBP Form 7501, the Mexican Cement Import License application will require the importer of record to report the Sub-region of Final Destination, the Final Destination, and the Mexican Export License Number, and to state whether the shipment is being made for disaster relief, as defined in the Agreement. The information gathered by the Mexican Cement Import Licensing System will provide Commerce with specific, reliable, and real-time data which will be used to monitor imports pursuant to the Agreement.

The Agreement is complex and involves sub-regional export limits which are in effect for a maximum of three years. Without access to import data on a real-time basis through the Mexican Cement Import Licensing System, Commerce will not be able to effectively monitor and administer the Agreement. If an allegation of circumvention of the Agreement is raised, Commerce may be required to conduct an accelerated changed circumstances review within 90 days. Currently, it can take up to 60 days to obtain from CBP and the Bureau of the Census the information necessary to determine whether Commerce needs to