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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 319

[Docket No. 00–067–2]

RIN 0579–AB55

Gypsy Moth; Regulated Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the gypsy moth regulations by removing restrictions on the interstate movement of wood chips, which do not pose a risk of containing gypsy moth egg masses, and by adding restrictions on the movement and importation of bark and bark products, which pose a risk of containing gypsy moth egg masses. In addition, we are extending by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by the Animal and Plant Health Inspection Service, our cooperators, and industry in order to limit the artificial spread of gypsy moth.

DATES: *Effective Date:* August 18, 2006.

FOR FURTHER INFORMATION CONTACT: Dr. Weyman Fussell, Program Manager, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–5705.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is an introduced, highly destructive pest of trees that, during its caterpillar stage, poses a serious threat to hundreds of species of trees and shrubs. A female gypsy moth lays a cluster of eggs (called an egg mass) on and near trees. Up to a thousand caterpillars can hatch from a single egg mass. The caterpillars feed on nearby trees and shrubs, removing much, if not all, foliage. This defoliation, when combined with other forms of stress such as drought and soil compaction, may ultimately result in the death of the tree.

On May 23, 2003, we published in the **Federal Register** (68 FR 28157–28161, Docket No. 00–067–1) a proposed rule to amend the regulations in ''Subpart-Gypsy Moth'' (7 CFR 301.45 through 301.45–12) and ''Subpart-Gypsy Moth Host Material from Canada'' (7 CFR 319.77–1 through 319.77–5) by removing restrictions on the interstate movement of wood chips, and by adding restrictions on the movement and importation of bark and bark products. In addition, we proposed to extend by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit.

We solicited comments on our proposal for 60 days ending on July 22, 2003. We received seven comments by that date, from representatives of Federal agencies, industry groups, and a foreign plant protection organization. Six of the commenters conditionally supported the proposed rule. One commenter perceived the proposed changes as a lessening of restrictions. We have carefully considered these comments. They are discussed below.

Four commenters were concerned that our use of the rather general term ''bark and bark products'' would result in restrictions being placed on bagged mulch and soils containing composted bark. These commenters suggested that we amend the rule by specifying in a definition for ''bark and bark products'' that soils containing bark composts and bagged mulch are excluded.

Soil is not listed as a regulated article for gypsy moth, so there are no existing requirements in the gypsy moth regulations regarding its movement. However, bark will be a regulated article as a result of this final rule. If soil or bagged mulch contains bark, then the mixture would necessarily be subject to regulation. The regulations in § 301.45–5(a)(4) provide that a certificate may be issued for the interstate movement of a regulated article if it has, among other things, been handled in such a manner that no infestation would be transmitted thereby, as determined by an inspector. One means by which bark may qualify for a certificate under these provisions is composting according to the method described in Appendix N of the Gypsy Moth Program Manual.[1]

In response to the commenters' suggestion, we are adding definitions for *bark* and *bark products* to § 301.45–1, specifically, we have defined *bark* as ''The tough outer covering of the woody stems of trees, shrubs, and other woody plants as distinguished from the cambium and inner wood,'' and *bark products* as ''Products containing pieces of bark including bark chips, bark nuggets, bark mulch, and bark compost.''

Another commenter stated that processed bark and bark products are not a source of gypsy moth infestations and that they should be excluded from the proposed rule or that their inclusion should be delayed until it can be scientifically established that processed bark and bark products present a risk of gypsy moth infestation.

Currently, we do not have a protocol that specifies processing methods under which the potential risks posed by bark would be mitigated. The Animal and Plant Health Inspection Service's (APHIS) Center for Plant Health Science and Technology (CPHST) is addressing this issue in order to develop a scientifically validated protocol for processed bark. There is, however, ample evidence that gypsy moth egg masses are resilient and tolerate rough handling and climatic extremes while maintaining viability; likewise, gypsy moth eggs deposited on the bark of trees remain viable after typical processing to render the bark as chips or nuggets. Until a validated protocol is developed, we believe that it is necessary to apply the measures described in this rule to processed bark and bark products in order to provide the necessary

[1] The Gypsy Moth Program Manual may be viewed on the Internet at *http://www.aphis.usda.gov/ppq/manuals/domestic/GM_Chapters.htm.*

safeguarding measures to limit the artificial spread of gypsy moth in the United States.

One commenter suggested that the change to the regulations concerning bark and bark products should not include soils containing softwood composted bark (e.g. white cedar, pine, hemlock) since they are not a host for gypsy moth.

While it is true that pine is not known to be a food source for European gypsy moth, it is a food source for the Asian gypsy moth. CPHST has made scientific observations and collected data supporting this conclusion. Through careful study and analysis, it was recognized that, although pine is not a food source host for the European gypsy moth, pine can, in certain circumstances, be an oviposition site.[2] However, as stated previously, if soil contains bark, then the mixture is subject to regulation.

One commenter suggested we leave the restriction on wood chips in place, as well as impose restrictions on the movement of bark and bark products. The commenter stated that since gypsy moths favor placing their eggs in protected areas, piles of wood chips, which APHIS permits to contain up to 2 percent bark, may harbor gypsy moth egg masses which could lead to gypsy moth infestation.

The gypsy moth regulations do not allow wood chips to contain up to 2 percent bark. Our regulations concerning the importation of unmanufactured wood, found at 7 CFR 319.40 through 319.40–11, provide that logs may retain bark on up to 2 percent of surface area. This should not be construed to mean that bark present in wood chips is permitted under the gypsy moth regulations. For the purposes of this rule, bark is considered a contaminant in wood chips and regulated accordingly.

In addition, wood chips would rarely, if ever, be expected to be an oviposition site for gypsy moth. While it is true that gypsy moth favor placing their eggs in protected areas, they do not dig into sites such as piles of wood chips. When the larva is ready to enter the pupal phase, it will stay in or near a preferred food source, such as a tree. In general, when a female gypsy moth emerges from its pupal casing, it will mate and deposit eggs within 1 meter of that pupation site, which will then become an oviposition site for the emerging female gypsy moth. Piles of wood chips are not environments larvae would typically pick for pupation because of a lack of feeding sources as well as the availability of more preferred food source sites.

Another commenter stated that the inspection of bark and bark products in bulk for obtaining phytosanitary certificates is unfeasible and that treatment is prohibitively expensive. The commenter also questioned whether sawmills and lumber mills in a Canadian noninfested area could or would be able to provide certification of origin for bark or bark products imported from Canada. This commenter additionally stated that APHIS needs to focus on shipments of bark products entering at the Canadian border as a potential pathway for pest infestation.

Under the regulations in § 319.77–4, as amended by this rule, bark and bark products imported from Canada that originate in a Canadian infested area must be accompanied by an officially endorsed Canadian phytosanitary certificate that includes an additional declaration confirming that they have been inspected and found free of gypsy moth or treated for gypsy moth in accordance with the regulations in 7 CFR part 305, or they must be consigned to a specified U.S. processing plant or mill operating under a compliance agreement with APHIS for specified handling or processing.

If bark or bark products originate in a Canadian noninfested area, they must be accompanied by a certification of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur. Under the regulations in § 301.45–4, sawmills, lumber mills, and any other person engaged in growing, handling or moving regulated articles in Canadian noninfested areas can enter into a written compliance agreement with APHIS in which the person agrees to comply with the provisions of this part. An inspector, or a qualified certified applicator or any other person operating in accordance with a compliance agreement can issue the certification of origin, affirming that a specified regulated article is eligible for interstate movement in accordance with this subpart. We believe that the measures described in this rule with regard to importation and movement of bark and bark products at the Canadian border provide the necessary safeguarding measures to limit the artificial spread of gypsy moth in the United States.

In a collateral issue, one commenter raised concerns about the current entry requirements in APHIS' Canadian Border Manual with respect to stone and quarry products. The commenter requested that we amend the Canadian Border Manual to remove the requirement for phytosanitary certificates for stone and quarry products moving from infested to uninfested areas, as U.S. authorities at the border ask for certifications based on requirements found in the Canadian Border Manual, but there are no such certificate requirements extant in the regulations.

Quarry products fall outside the scope of this rulemaking. However, this issue will be examined and addressed as appropriate.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the change discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In this document, we are amending the gypsy moth regulations by removing restrictions on the interstate movement of wood chips, which do not pose a risk of containing gypsy moth egg masses, and by adding restrictions on the movement and importation of bark and bark products, which pose a risk of containing gypsy moth egg masses. In addition, we are extending by 2 months the period during which regulated articles originating outside of any generally infested area must be safeguarded from infestation in order to be eligible for interstate movement directly through any generally infested area without a certificate or permit. These changes are necessary to update the provisions in the regulations to ensure consistent actions by APHIS, our cooperators, and industry in order to limit the artificial spread of gypsy moth.

The U.S. forest industry employs close to 1.4 million people and contributes approximately $200 billion annually to the national economy.[3] Although the United States is a net importer of wood and wood products, wood exports totaled $5.24 billion in 2001. The gypsy moth is a pest of concern for the U.S. forest industry. Defoliation of trees by gypsy moths often results in the death of the trees, which leads to economic loss, changes in ecosystems and wildlife habitat, and disturbed water flow and water quality. Economic costs to the U.S. forest

[2] Rossiter, M.C. 1987. Use of a secondary host, pitch pine, by non-outbreak populations of the gypsy moth. Ecology 68: 857–868.

[3] Southeastern Lumber Manufactruers Association, Inc., U.S. Forest Products Industry Statistics (*http://www.slma.org/stats_us.shtml*).

industry, in addition to the costs of timber losses and pest control, can also arise from trade reductions as importing countries impose protective restrictions on access to their markets for wood products. Gypsy moths are already causing losses in quarantined areas in the United States. Annual losses attributable to gypsy moths are estimated to be about $22 million.[4] Thus, any spread of gypsy moth to areas currently free from that pest could have a negative economic and environmental impact. The changes in this final rule are necessary to limit the artificial spread of the gypsy moth.

Interstate Movement Restrictions

The changes to the domestic gypsy moth regulations will affect sawmills, pulp mills, and nurseries and garden centers that are involved in the interstate movement of wood chips and bark and bark products from gypsy moth generally infested areas. Restrictions will no longer apply to the movement of wood chips, but entities involved in the interstate movement of bark and bark products will be required to have each shipment of bark or bark products inspected or treated under the direction of an inspector, or self-inspect and certify each shipment in accordance with the Gypsy Moth Program Manual, no more than 5 days prior to moving it from a generally infested area to an area that is not generally infested. While self-inspection minimizes regulatory costs and time delay costs, other costs associated with time, salary, and recordkeeping could be incurred.

The Small Business Administration (SBA) has established size standards based on the North American Industry Classification System (NAICS) to determine and to classify which economic entities can be considered small entities. The SBA classifies sawmills as small if they employ 500 or fewer employees. Pulp mills are considered small if they employ 750 or fewer employees. Nursery and garden centers are considered small if their annual sales are less than $6 million. In 1997, the most recent year for which data are available, there were 1,678 sawmills (NAICS code 321113) in quarantined States,[5] 9 pulp mills (NAICS code 322110) in generally infested areas, and 3,446 nursery and garden centers (NAICS code 444220) in generally infested areas of the United States. Approximately 93 percent of those sawmills, 95 percent of those nursery and garden centers, and 93 percent of those pulp mills are considered to be small entities under the SBA's standards.[6]

In 1997, sawmills in quarantined States produced 2,896,170 tons of primary bark residue (see table 1), which was approximately 12 percent of the national total.[7] However, these data do not include the bark residue produced in urban areas and by land clearing operations. Additionally, most commercially available bark and mulch products are not produced at sawmills. Independent bark and mulch producers buy bark and wood residue from sawmills, reprocess the material, and then sell it in bulk or bagged. The number and size of these independent entities are not available. The impact upon these entities would depend upon what proportion of their business is bark mulch and what percentage of that is shipped to areas that are not generally infested. The higher the percentage shipped to areas that are not generally infested, the greater the negative effect would be.

TABLE 1.—POTENTIALLY AFFECTED ENTITIES AND BARK RESIDUE PRODUCTION

	Generally infested areas	U.S. total
Sawmills [1]	1,678	4,390
Pulp mills	9	36
Nursery and garden centers	3,446	16,432
Primary bark residue production (tons)	2,896,170	24,528,380

[1] Information about the number of sawmills is available at the State level only. County data is withheld to avoid disclosing data for individual establishments. This may result in an overestimate of the number of affected entities because not all counties within quarantined States are in generally infested areas.

Source: U.S. Census Bureau, 1997 Economic Census: Manufacturing and Retail Geographic Area Series, November 1999 (revised November 2002).

Note: Primary bark residue production data from USDA/FS, ''Bark and wood residue production in gypsy moth quarantined States in 2000,'' Lew R. McCreery, Economic Action Program, USDA/FS Northeastern Area.

The potential economic effects of these changes will vary by State, depending on the number and size of entities to be regulated, the levels of infestation, the quantity of shipments to areas that are not generally infested, and whether delays occur and whether treatment is needed. Entities most likely to be affected by the changes are those that produce bark products and wood chips and independent mulch and bark producers. There will be opposing results. Removal of wood chips from the list of regulated articles will result in savings, if there had been costs before the changes, while the imposition of restrictions on the movement of bark and bark products may result in additional costs. Since entities located in generally infested areas produce a relatively smaller share of bark residue, as shown in table 1, most shipments of bark products are likely to be small in quantity and to be contained within generally infested areas with very few shipments to areas that are not generally infested.

If the inspection of a shipment intended for movement to an area that is not generally infested reveals the presence of gypsy moths, the infested articles would not be eligible for movement unless they were treated or consigned to a facility operating under a compliance agreement with APHIS for specified handling or processing. If treated, fumigation could cost between $100 and $150 per truckload, depending upon the size of the shipment. The need to treat infested bark or bark products may increase business for certified

[4] David Pimentel, Lori Latch, Rodolfo Zuniga, and Doug Morrison, ''Environmental and Economic Costs Associated with Non-indigenous Species in the United States,'' College of Agriculture and Life Sciences, Cornell University, Ithaca, NY 14850–0901, June 12, 1999.

[5] Information on the number of sawmills is avaialble at the State level only. County information is withheld to avoid disclosing data for individual establishments. This may result in an overestimate of the number of affected entities because not all counties within quarantined States are in generally infested areas.

[6] U.S. Census Bureau, 1997 Economic Census: Manufacturing and Retail Geographic Area Series, November 1999 (revised November 2002).

[7] W.B. Smith, John S. Visage, David R. Darr, and Raymond M. Sheffield, Forest Resources of the United States, 1997.

pesticide applicators located in generally infested areas. However, overall, the results of removing wood chips and adding bark and bark products to the list of regulated articles may cancel each other out, resulting in no increase of business for certified applicators. Regional variation is possible.

The changes are expected to cause a slight increase in the costs of business for the affected entities. The negative economic impact that may result from the changes is small compared to the potential for harm to related industries and to the U.S. economy as a whole that would result from an increase in the artificial spread of the gypsy moth, however. Benefits from the unrestricted movement of wood chips are expected to either cancel out or be greater than any negative effects of new restrictions on the movement of bark and bark products. Since the changes would not prohibit their movement, regulated articles that meet the requirements of the regulations would continue to enter the market. The overall impact on price and competitiveness is expected to be relatively insignificant.

Import Restrictions

Under the unmanufactured wood regulations in § 319.40–3, regulated articles, which will now include bark and bark products, to be imported into the United States from Canada are subject to the inspection and other requirements in § 319.40–9 and must be accompanied by an importer document stating that the articles are derived from trees harvested in, and have never been moved outside, Canada. Under § 319.40–9, regulated articles must have been inspected and found free of plant pests or have been treated for pests as required by the inspector before the regulated article may be moved from the port of first arrival. Adding bark and bark products as regulated articles under the regulations related to gypsy moth host material from Canada would mean that bark and bark products to be moved into or through a noninfested area of the United States from an infested area of Canada will have to be accompanied by an officially endorsed Canadian phytosanitary certificate confirming that they have been inspected and found free of gypsy moth or have been treated in accordance with 7 CFR part 305 prior to importation, unless they were destined for a specified U.S. processing plant or mill under compliance agreement with APHIS for specified handling or processing. Because the restrictions that will apply under the regulations for gypsy moth host material from Canada are only slightly more restrictive than the restrictions that have been in place under the unmanufactured wood regulations, requiring certification or treatment prior to importation rather than at the port of first arrival, we do not believe that they will have a significant economic impact. In addition, we could not find any data on the importation of bark or bark products into the United States from Canada, which indicates that there is not a high volume of trade in these articles.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

■ Accordingly, we are amending 7 CFR parts 301 and 319 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

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

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.45–1 is amended as follows:

■ a. By adding, in alphabetical order, definitions of *bark* and *bark products* to read as set forth below.

■ b. In the definition of *regulated articles*, paragraph (2), by removing the words ''wood chips'' and adding the words ''bark and bark products'' in their place.

§ 301.45–1 Definitions.

* * * * *

Bark. The tough outer covering of the woody stems of trees, shrubs, and other woody plants as distinguished from the cambium and inner wood.

Bark products. Products containing pieces of bark including bark chips, bark nuggets, bark mulch, and bark compost.

* * * * *

§ 301.45–4 [Amended]

■ 3. In § 301.45–4, paragraph (b) is amended by removing the word ''June'' and adding the word ''August'' in its place, and paragraph (c)(2) is amended by removing the words ''wood chips'' and adding the words ''bark and bark products'' in their place.

PART 319—FOREIGN QUARANTINE NOTICES

■ 4. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

§ 319.40–2 [Amended]

■ 5. In § 319.40–2, paragraph (f) is amended by adding the words ''bark and bark products and'' before the word ''logs''.

■ 6. Section 319.77–2 is amended by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and by adding a new paragraph (f) to read as follows:

§ 319.77–2 Regulated articles.

* * * * *

(f) Bark and bark products;

* * * * *

■ 7. In § 319.77–4, the introductory text of paragraph (b), including footnote 2; paragraph (b)(1); the introductory text of paragraph (b)(2); the introductory text of paragraph (b)(2)(i); and paragraph (b)(2)(ii) are revised to read as follows:

§ 319.77–4 Conditions for the importation of regulated articles.

* * * * *

(b) *Bark and bark products and logs and pulpwood with bark attached.*[2] (1)

[2] Bark, bark products, and logs from Canada are also subject to restrictions under ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles'' (§§ 319.40 through 319.40–11 of this part).

Bark and bark products or logs or pulpwood with bark attached that are destined for a U.S. infested area and that will not be moved through any U.S. noninfested area other than noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset, ME (i.e., areas in those counties that are not listed in § 301.45–3 of this chapter) may be imported from any area of Canada without restriction under this subpart.

(2) Bark and bark products or logs or pulpwood with bark attached that are destined for a U.S. noninfested area or will be moved through a U.S. noninfested area may be imported into the United States from Canada only under the following conditions:

(i) If the bark, bark products, logs, or pulpwood originated in a Canadian infested area, they must be either:

* * * * *

(ii) If the bark, bark products, logs, or pulpwood originated in a Canadian noninfested area, they must be accompanied by a certification of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur.

* * * * *

Done in Washington, DC, this 14th day of July 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–11431 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2006–0105]

Asian Longhorned Beetle; Removal of Quarantined Area in Illinois

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Asian longhorned beetle regulations by removing the Oz Park area in Cook County, IL, from the list of quarantined areas and removing restrictions on the interstate movement of regulated articles from those areas. We have determined that the Asian longhorned beetle no longer presents a risk of spread from that area and that the quarantine and restrictions are no longer necessary. With this change, there are no longer any areas in Illinois that are quarantined because of the Asian longhorned beetle.

DATES: This interim rule was effective July 13, 2006. We will consider all comments that we receive on or before September 18, 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 Open Regulations and Federal Actions'' box, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select APHIS–2006–0105 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. APHIS–2006–0105, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0105.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, National Coordinator, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–7338.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately three-eighths of an inch in diameter (about the size of a dime) that they bore through branches and trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery, maple syrup, and forest product industries could experience severe economic losses. In addition, urban and forest ALB infestations will result in environmental damage, aesthetic deterioration, and a reduction in public enjoyment of recreational spaces.

The ALB regulations in 7 CFR 301.51–1 through 301.51–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States; quarantined areas are listed in § 301.51–3 of the regulations. Portions of Illinois, New Jersey, and New York have been listed as quarantined areas.

Removal of Quarantined Areas

The regulations recently have listed only one quarantined area in Illinois, the Oz Park area of Cook County. Based on surveys conducted by inspectors of Illinois State and county agencies and by APHIS inspectors, we are removing that area from the list of quarantined areas. The last findings of ALB in the regulated area of Oz Park in Cook County were in November 2003. Since then, no evidence of ALB infestation has been found in that area. Based on our experience, we have determined that sufficient time has passed without finding additional beetles or other evidence of infestation to conclude that ALB constitutes a negligible risk to the Oz Park area. Therefore we are removing the entry for Cook County, IL, from the list of quarantined areas in § 301.51–3(c). With this change, there are no longer any areas in Illinois that are quarantined because of ALB.

Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We are amending the ALB regulations by removing of Oz Park area within Cook County, IL, from the list of quarantined areas and removing restrictions on the interstate movement of regulated articles from that area. We have determined that the ALB no longer presents a risk of spread from that area and that the quarantine and restrictions are no longer necessary.

The Regulatory Flexibility Act requires that agencies consider the economic impact of their rules on small entities, i.e., small businesses, organizations, and governmental jurisdictions. The entities most likely to be affected by this rule include nurserymen, tree care services, firewood retailers, and lawn maintenance businesses in the area being removed from quarantine.

In the Oz Park area of Cook County, IL, that we are deregulating in this interim rule, which is about 9 square miles in size, there are at least 71 entities that will be affected by this interim rule. These entities are mainly tree and landscape companies; there are also a few municipalities and wood recycling services. While the size of these 71 entities is unknown, it is reasonable to assume that most are small entities based on Small Business Administration size standards.

Any affected entities located within the area removed from quarantine stand to benefit from the interim rule, since they are no longer subject to the restrictions in the regulations. However, our experience with the ALB program in Illinois, New York, and New Jersey has shown that the number and value of regulated articles that are, upon inspection, determined to be infested, and therefore denied a certificate or a limited permit for movement, is small. Thus, any benefit for affected entities in the areas removed from quarantine is likely to be minimal, given that the costs associated with the restrictions that have been relieved were themselves minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

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

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

§ 301.51–3 [Amended]

■ 2. In § 301.51–3, paragraph (c) is amended by removing the heading ''Illinois'' and the entry for Cook County.

Done in Washington, DC, this 13th day of July 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–11430 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 727

48 CFR Parts 904 and 952

RIN 1992–AA27

Computer Security; Access to Information on Department of Energy Computers and Computer Systems

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is publishing regulations to codify minimum requirements governing access to information on Department of Energy computers.

DATES: This rule is effective August 18, 2006.

FOR FURTHER INFORMATION CONTACT: Warren Udy, Acting Associate CIO for Cyber Security, Office of Chief Information Officer, NNSA (NA–65), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1283; Gordon Errington, Acting Associate CIO for Cyber Security, Office of the Chief Information Officer, DOE (IM–1), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9595, or Samuel M. Bradley, Office of General Counsel (GC–53), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6738.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Comments and Final Rule
III. Regulatory Review

I. Background

Pursuant to the DOE Organization Act (42 U.S.C. 7101, *et seq.*) and the Atomic Energy Act of 1954 (AEA) (42 U.S.C. 2011, *et. seq.*), DOE carries out a variety of programs, including defense nuclear programs. DOE performs its defense nuclear program activities in the Washington, DC area, and at locations that DOE controls around the United States, including national laboratories and nuclear weapons production facilities. DOE contractors operate the national laboratories and production facilities.

DOE, as the successor agency to the Atomic Energy Commission, has broad responsibilities under the AEA to protect sensitive and classified information and materials involved in the design, production, and maintenance of nuclear weapons (42 U.S.C. 2161–69, 2201). DOE also has a general obligation to ensure that permitting an individual to have access to information classified under the AEA will not endanger the nation's common defense and security (42 U.S.C. 2165b). In addition, various Executive Orders of government-wide applicability require DOE to take steps to protect classified information. Executive Order No. 12958, Classified National Security Information (April 17, 1995), requires the Secretary to establish controls to ensure that classified information is used only under conditions that provide adequate protection and prevent access by unauthorized persons. Executive Order No. 12968, Access to Classified Information (August 2, 1995), requires the Secretary to establish and maintain an effective program to ensure that employee access to classified information is clearly consistent with the interests of national security.

However, DOE's obligation to protect information is not limited to classified information and materials involved in the design, production, and maintenance of nuclear weapons. DOE is obligated to protect, according to the requirements of various laws, regulations and directives, information which it creates, collects, and maintains. Much of this information is sensitive but unclassified.

In recent years, in order to protect its information, DOE has developed and elaborated policies that limit unauthorized access to DOE computer systems, particularly those used for work with classified information, and assure that no employee misuses the computers assigned for the performance of work-related assignments. DOE has issued these policies in the form of internal directives in the DOE Directives System. These directives apply to DOE employees and to DOE contractors to the extent their contracts require compliance. Directives that apply to DOE contractors are listed in an appendix to the contracts under the standard Laws, Regulations, and DOE Directives clause that is set forth at 48 CFR 970.5204–2.

The directives issued by DOE relating to computer security include DOE Notice 205.3, Password Generation, Protection, and Use, which establishes minimum requirements for the generation, protection, and use of passwords to support authentication when accessing classified and unclassified DOE information systems where feasible; and DOE Order 471.2A, Information Security Program, and DOE Manual 471.2–2, Classified Information Systems Security Manual, which require that warning banners appear whenever an individual logs on to a DOE computer. A DOE memorandum signed by the Chief Information Officer on June 17, 1999, requires that the banner inform users that activities on the system are subject to interception, monitoring, recording, copying, auditing, inspection, and disclosure. The banner notifies users that continued use of the system indicates awareness of and consent to such monitoring and recording. Other directives relevant to computer security include DOE O 200.1, Information Management Program; DOE P 205.1, Departmental Cyber Security Management Program; DOE O 205.1, Cyber Security Management Program; DOE O 470.1 Chg 1, Safeguards and Security Program; DOE O 471.1A, Identification and Protection of Unclassified Controlled Nuclear Information; DOE O 5639.8A, Security of Foreign Intelligence Information and Sensitive Compartmented Information Facilities; and DOE O 5670.3, Counterintelligence Program. These directives are available for inspection and downloading at the DOE Web site, *http://www.directives.doe.gov*.

Sections 3235 and 3295(c) of the National Defense Authorization Act for Fiscal Year 2000 (NDAA) (50 U.S.C. 2425, 2483(c)) require DOE to promulgate regulations establishing certain requirements for access to information on National Nuclear Security Administration (NNSA or Administration) computers. The key provision in section 3235 requires NNSA employees and contractor employees with access to information on NNSA computers to give written consent for access by an authorized investigative agency to any Administration computer used in the performance of his or her duties during the term of that employment and for a period of three years thereafter. Section 3235(c) defines the term ''authorized investigative agency'' to mean an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information. The written consent requirement in section 3235(a) is mandatory as it pertains to individuals with access to or use of NNSA computers or computer systems. An individual that does not provide such written consent may not be allowed access to or use of NNSA computers or computer systems.

Upon the recommendation of the Administrator of NNSA, the Secretary of Energy has determined that the requirements of section 3235 should be applied to the entire DOE complex. In arriving at this determination, the Secretary took into account that the considerations underlying section 3235 with respect to information on NNSA computers also apply to other information on computers throughout the DOE complex; that the requirements of section 3235 are similar to DOE's present computer access policies; and that DOE and DOE contractor computers outside of the NNSA organization occasionally contain NNSA information.

Consistent with section 3235 and general rulemaking authorities in the DOE Organization Act, DOE on March 17, 2005 proposed a new Part 727 to Title 10 of the Code of Federal Regulations (CFR) to codify computer access policies and, also, proposed conforming amendments to its acquisition regulations that would apply to prime contractors consistent with the terms of their contracts with DOE (70 FR 12974). DOE received written comments from Battelle Energy Alliance, LLC, the management and operating contractor for DOE's Idaho National Laboratory (hereafter ''Battelle'') and from Brookhaven Science Associates, the management and operating contractor of Brookhaven National Laboratory (hereafter ''Brookhaven''). After carefully considering all issues raised by the comments and making appropriate revisions, DOE today publishes a final rule which codifies the minimum requirements governing access to information on Department of Energy computers.

The Secretary has approved this notice of final rulemaking for publication.

II. Discussion of Comments and Final Rule

This portion of the Supplementary Information discusses the issues raised by the public comments on the proposed rule and any changes to the rule that DOE has made in response to the comments. All of the specific comments relate to provisions of proposed Part 727, although the comments also may apply to the proposed conforming amendments to DOE's acquisition regulations.

1. *Scope and applicability.* Both comments addressed the scope (proposed § 727.1) and the applicability

(proposed § 727.3) provisions in the proposed rule and made recommendations for changes.

Battelle urged DOE to limit the scope of the rule to classified computer systems because such a limitation would be consistent with the statute and because the benefits from including other DOE computers would be outweighed by implementation costs. It is clear from Battelle's comment that it read the proposed rule to require the obtaining of written consent from members of the public who send e-mail to DOE computers or visit DOE Web sites. Battelle also asked for clarification on whether summer students, domestic and foreign visitors, and collaborators under various types of agreements (*e.g.*, cooperative research and development agreements, laboratory-directed research and development agreements) were covered by the rule.

Brookhaven had similar concerns and recommendations. Its comment states:

> As currently drafted, the proposed rule would require written acknowledgement of a ''no privacy expectation'' with anyone seeking to communicate with any computer or computer system owned, supplied or operated by DOE. This would include students, government officials, private individuals and businesses, educational institutions, and the occasional personal email from friends and family. To obtain and maintain written authorization from such a plethora of entities would be unrealistic.

Brookhaven, page 1. It also commented that some of the persons who would be covered by the proposed rule are not DOE contractors or subcontractors or employees of DOE contractors or subcontractors and, thus, would not be covered by DOE contracts.

DOE has made several revisions to the rule in response to comments on the scope and applicability provisions of the proposed rule. DOE has revised both § 727.1 and § 727.3 to create a new paragraph (b) in each section to provide that the only provision of Part 727 that applies to a person who uses a DOE computer only by sending an e-mail message to such a computer is § 727.4, the general expectation of privacy provision. Each of those sections now has a paragraph (a) that covers individuals who are granted access by DOE or DOE contractors and subcontractors to information on DOE computers. In addition, DOE has revised the definition of ''individual'' in § 727.2 to expressly exclude a member of the public who sends an e-mail message to a DOE computer or who obtains information available to the public on DOE websites. DOE never intended the rule to apply to members of the public who obtain information from publicly accessible websites, nor did it intend provisions, such as the written consent requirement, to apply to members of the public who only e-mail messages to DOE computers.

The revised scope and applicability provisions are consistent with section 3235 of the NDAA. Section 3235(a) provides that, at a minimum, DOE's computer access procedures must apply to ''any individual who has access to information on an Administration computer'' (50 U.S.C. 2425(a)). Section 3235(b) provides that, notwithstanding any other provision of law, ''no user of an Administration computer shall have any expectation of privacy in the use of that computer.'' (50 U.S.C. 2425(b)). This final rule maintains the statutory distinction between ''individuals'' granted access to information on DOE computers and other ''users'' of DOE computers.

DOE believes the revisions described above address the concerns raised by the commenters, and it rejects other suggestions for limiting the scope and applicability of the rule. In particular, DOE does not agree with the comment that the rule should be limited to access to classified computers. As explained in the notice of proposed rulemaking (51 FR 12975) and the Background section of this Supplementary Information, the Secretary of Energy has decided that the requirements of section 3235 should be applied to the entire DOE complex because the considerations underlying section 3235 also apply to other information on computers throughout the DOE complex. Also, as discussed in the section below on ''Definitions,'' DOE has not narrowed the definition of ''computer'' in other ways to restrict the scope of the rule.

2. *Definitions.* Both commenters addressed the definition of ''computer'' in proposed § 727.3, which defines the term to mean ''desktop computers, portable computers, computer networks (including the DOE network and local area networks at or controlled by DOE organizations), network devices, automated information systems, or other related computer equipment owned by, leased, or operated on behalf of the DOE.'' Battelle asked if the term included ''Blackberry'' devices and cell phones. Brookhaven said the definition was overbroad and would cause a problem for implementing the written acknowledgement and consent requirement in § 727. 5 because ''anyone who accesses the [DOE] home page or any individual DOE site's homepage is an individual and user under this rule.'' Brookhaven, page 2.

DOE has not revised the definition of ''computer'' in response to these comments. DOE believes the catch-all language in the definition (*i.e.*, ''or other related computer equipment owned by, leased, or operated on behalf of the DOE'') is broad enough to include devices such as a Blackberry device or a cell phone. DOE has previously addressed the Brookhaven comment about the overbreadth of the definition in responding to comments on the proposed rule's scope and applicability provisions.

Brookhaven also asked that DOE include a definition of the term ''authorized investigative agency'' in the rule. DOE agrees with Brookhaven's recommendation that the rule include a definition of ''authorized investigative agency'' in the final rule. Section 3235(c) of the NDAA contains such a definition, and its omission from the proposed rule was an oversight. The statutory definition is included in § 727.2 of today's rule.

3. *Expectation of privacy.* Proposed § 727.4 would have provided that no user of a DOE computer, including any person who sends an e-mail message to a DOE computer, has any expectation of privacy in the use of that DOE computer.

Battelle asked several questions about the proposed expectation of privacy provision, including whether an e-mail from an outside counsel for a DOE contractor to the contractor, otherwise entitled to confidentiality under the attorney-client privilege, would be protected from disclosure to the public. It also asked whether there are circumstances in which DOE or a DOE contractor would be required to provide advance notice that there is no expectation of privacy on DOE computers.

Proposed § 727.4 tracked closely the language of section 3235(b) of the NDAA, and DOE has retained the provision in this final rule. While section 3235(b) categorically provides that a user of an Administration computer shall have no expectation of privacy in the use of that computer, there is nothing in the statute or its history that indicates Congress intended to affect disclosure of information to the public under the Freedom of Information Act, 5 U.S.C. 552. Exemption 5 of the Act (5 U.S.C. 552(b)(5)) allows for the exemption from public disclosure documents that are normally privileged in the civil discovery context, which would include attorney-client communications.

With regard to Battelle's second question, regarding the circumstances in which DOE or a DOE contractor would be required to provide advance notice that there is no expectation of privacy

on DOE computers, the final rule retains the proposed requirement in § 727.5 for an individual granted access to information on a DOE computer to acknowledge in writing that the individual has no expectation of privacy in the use of that computer. Of course, as discussed previously, this requirement of written acknowledgement does not extend to members of the public who only send e-mails to DOE computers. The final rule does not provide for advance notice to such users of DOE computers, nor does DOE think it is feasible to provide such notice.

4. *Written consent.* Proposed § 727.5 would have restricted access to information on a DOE computer to an individual who has: (1) acknowledged in writing that the individual has no expectation of privacy in the use of a DOE computer; and (2) consented in writing to permit access by an authorized investigative agency to any DOE computer used by the individual during the period of the individual's access to information on a DOE computer and for a period of three years thereafter.

Battelle questioned how a contractor could get written consent from anonymous users and guests on FTP servers and telnet services, or from those searching DOE Web sites. Battelle asked that these situations be covered by exemptions in the final rule. Brookhaven made a similar comment, asking who must obtain written acknowledgments and consents from a non-DOE contractor or its employees. It also questioned how a member of the public who only sends an e-mail to a DOE computer could give consent for inspection of a DOE computer, as would be required by proposed § 727.5.

As previously explained in this section of the Supplementary Information, DOE has revised the scope and applicability provisions of the rule to exclude members of the public who send e-mail to DOE computers from the written consent requirement. DOE interprets section 3235(a) of the NDAA to apply to individuals who are granted access to information on a DOE computer by DOE or a DOE contractor or subcontractor. In all cases, the granting of such access will involve the use of passwords.

Battelle, in commenting on proposed § 727.6, also asked whether a DOE contractor is required to give each authorized person a password to prevent unauthorized access to its computers or whether a warning screen on the computer would be sufficient. Section 3235(a) provides that ''written consent'' is required as a condition of being granted access to information on an Administration computer. The statute does not contain any provision giving DOE the discretion to allow use of a warning screen in lieu of a written consent.

5. *Other comment.* Brookhaven urged DOE to not issue a final Part 727 until the on-going implementation of Homeland Security Presidential Directive 12 (HSPD–12), entitled ''Policy for a Common Identification Standard for Federal Employees and Contractors,'' is completed. HSPD–12 provides for integrated physical access controls for all federally-owned or controlled facilities and information systems.

DOE does not accept this recommendation. The provisions of this final rule are written in general language that closely tracks the language in section 3235 of the NDAA, and, in DOE's view, there is little potential for conflict between the requirements of this rule and the implementation of HSPD–12. If such a conflict is revealed when HSPD–12 is fully implemented, DOE will then evaluate the need to amend Part 727.

III. Regulatory Review

A. National Environmental Policy Act

DOE has determined that this final rule is covered under the Categorical Exclusion found in DOE's National Environmental Policy Act regulations at paragraph A.6 of Appendix A to Subpart D, 10 CFR part 1021, which applies to rule makings that are strictly procedural. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

B. Executive Order 12866

Section 6 of Executive Order 12866 provides for a review by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) of a significant regulatory action, which is defined to include an action that may have an effect on the economy of $100 million or more, or adversely affect, in a material way, the economy, competition, jobs, productivity, the environment, public health or safety, or State, local, or tribal governments. Today's regulatory action has been determined not to be a significant regulatory action. Accordingly, this rulemaking is not subject to review under that Executive Order by OIRA.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://www.gc.doe.gov.*

DOE has reviewed today's rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. This rule does not directly regulate small businesses or other small entities. The rule applies only to individuals who use DOE computers. Under the rule, DOE and DOE contractor employees who are granted access to information on DOE computers, or applicants for such positions, are required to execute a written acknowledgment and consent provided by DOE. Although a small number of individuals subject to this rule may work for DOE subcontractors who are small entities, the costs associated with compliance with the rule's requirements will be negligible and in most cases reimbursable under the contract. On the basis of the foregoing, DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration pursuant to 5 U.S.C. 605(b).

D. Paperwork Reduction Act

This final rule contains a collection of information subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* Section 727.6(b) requires DOE contractors to maintain a file of written acknowledgments and consents executed by its employees and subcontractor employees. This collection of information was submitted to OMB for approval. Notwithstanding any other provision of law, no person is required to respond to, nor shall any

person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. Subsection 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon State, local, or tribal governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to State, local, or tribal governments, or to the private sector, of $100 million or more. Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of State, local, and tribal governments.

This rule does not impose a Federal mandate on State, local or tribal governments, and will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

F. Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well being. While this final rule applies to individuals who may be members of a family, the rule does not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

G. Executive Order 13132

Executive Order 13132 (64 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this rule and has determined that it would not preempt State law and 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. No further action is required by Executive Order 13132.

H. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, Civil Justice Reform, 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the final rule meets the relevant standards of Executive Order 12988.

I. Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's notice under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of today's rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

10 CFR Part 727

Classified information, Computers, Contractor employees, Government employees, National defense, Security information.

48 CFR Part 904

Classified information, Government procurement.

48 CFR Part 952

Government procurement, Reporting and recordkeeping requirements.

Issued in Washington, DC on July 7, 2006.

Clay Sell,

Deputy Secretary.

■ For the reasons stated in the preamble, DOE hereby amends Chapter III of title 10 and Chapter 9 of title 48 of the Code of Federal Regulations as set forth below:

■ 1. 10 CFR part 727 is added to read as follows:

PART 727—CONSENT FOR ACCESS TO INFORMATION ON DEPARTMENT OF ENERGY COMPUTERS

Sec.

727.1 What is the purpose and scope of this part?
727.2 What are the definitions of the terms used in this part?
727.3 To whom does this part apply?
727.4 Is there any expectation of privacy applicable to a DOE computer?
727.5 What acknowledgment and consent is required for access to information on DOE computers?
727.6 What are the obligations of a DOE contractor?

Authority: 42 U.S.C. 7101, *et seq.*; 42 U.S.C. 2011, *et. seq.*; 50 U.S.C. 2425, 2483; E.O. No. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333; and E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

§ 727.1 What is the purpose and scope of this part?

(a) The purpose of this part is to establish minimum requirements applicable to each individual granted access to a DOE computer or to information on a DOE computer, including a requirement for written consent to access by an authorized investigative agency to any DOE computer used in the performance of the individual's duties during the term of that individual's employment and for a period of three years thereafter.

(b) Section 727.4 of this part also applies to any person who uses a DOE computer by sending an e-mail message to such a computer.

§ 727.2 What are the definitions of the terms used in this part?

For purposes of this part:

Authorized investigative agency means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

Computer means desktop computers, portable computers, computer networks (including the DOE network and local area networks at or controlled by DOE organizations), network devices, automated information systems, or other related computer equipment owned by, leased, or operated on behalf of the DOE.

DOE means the Department of Energy, including the National Nuclear Security Administration.

DOE computer means any computer owned by, leased, or operated on behalf of the DOE.

Individual means an employee of DOE or a DOE contractor, or any other person who has been granted access to a DOE computer or to information on a DOE computer, and does not include a member of the public who sends an e-mail message to a DOE computer or who obtains information available to the public on DOE Web sites.

User means any person, including any individual or member of the public, who sends information to or receives information from a DOE computer.

§ 727.3 To whom does this part apply?

(a) This part applies to DOE employees, DOE contractors, DOE contractor and subcontractor employees, and any other individual who has been granted access to a DOE computer or to information on a DOE computer.

(b) Section 727.4 of this part also applies to any person who uses a DOE computer by sending an e-mail message to such computer.

§ 727.4 Is there any expectation of privacy applicable to a DOE computer?

Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE computer shall have any expectation of privacy in the use of that DOE computer.

§ 727.5 What acknowledgment and consent is required for access to information on DOE computers?

An individual may not be granted access to information on a DOE computer unless:

(a) The individual has acknowledged in writing that the individual has no expectation of privacy in the use of a DOE computer; and

(b) The individual has consented in writing to permit access by an authorized investigative agency to any DOE computer used during the period of that individual's access to information on a DOE computer and for a period of three years thereafter.

§ 727.6 What are the obligations of a DOE contractor?

(a) A DOE contractor must ensure that neither its employees nor the employees of any of its subcontractors has access to information on a DOE computer unless the DOE contractor has obtained a written acknowledgment and consent by each contractor or subcontractor employee that complies with the requirements of § 727.5 of this part.

(b) A DOE contractor must maintain a file of original written acknowledgments and consents executed by its employees and all subcontractors employees that comply with the requirements of § 727.5 of this part.

(c) Upon demand by the cognizant DOE contracting officer, a DOE contractor must provide an opportunity for a DOE official to inspect the file compiled under this section and to copy any portion of the file.

(d) If a DOE contractor violates the requirements of this section with regard to a DOE computer with Restricted Data or other classified information, then the DOE contractor may be assessed a civil penalty or a reduction in fee pursuant to section 234B of the Atomic Energy Act of 1954 (42 U.S.C. 2282b).

■ 2. The authority citation for Parts 904 and 952 continues to read as follows:

Authority: 42 U.S.C. 2201, 2282a, 2282b, 2282c, 7101 *et seq.*; 41 U.S.C. 418b; 50 U.S.C. 2401 *et seq.*

PART 904—ADMINISTRATIVE MATTERS

■ 3. Section 904.404 is amended by adding a new paragraph (d)(7) to read as follows:

904.404 Solicitation provision and contract clause. [DOE coverage—paragraph (d)].

(d) * * *

(7) Computer Security, 952.204–77. This clause is required in contracts in which the contractor may have access to computers owned, leased or operated on behalf of the Department of Energy.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Section 952.204–77 is added to read as follows:

952.204–77 Computer Security.

As prescribed in 904.404(d)(7), the following clause shall be included:

Computer Security (AUG 2006)

(a) *Definitions.*

(1) *Computer* means desktop computers, portable computers, computer networks (including the DOE Network and local area networks at or controlled by DOE organizations), network devices, automated information systems, and or other related computer equipment owned by, leased, or operated on behalf of the DOE.

(2) *Individual* means a DOE contractor or subcontractor employee, or any other person who has been granted access to a DOE computer or to information on a DOE computer, and does not include a member of the public who sends an e-mail message to a DOE computer or who obtains information available to the public on DOE Web sites.

(b) *Access to DOE computers.* A contractor shall not allow an individual to have access to information on a DOE computer unless:

(1) The individual has acknowledged in writing that the individual has no expectation of privacy in the use of a DOE computer; and,

(2) The individual has consented in writing to permit access by an authorized investigative agency to any DOE computer used during the period of that individual's access to information on a DOE computer, and for a period of three years thereafter.

(c) *No expectation of privacy.* Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no individual using a DOE computer shall have any expectation of privacy in the use of that computer.

(d) *Written records.* The contractor is responsible for maintaining written records for itself and subcontractors demonstrating compliance with the provisions of paragraph

(b) of this section. The contractor agrees to provide access to these records to the DOE, or its authorized agents, upon request.

(e) *Subcontracts.* The contractor shall insert this clause, including this paragraph (e), in subcontracts under this contract that may provide access to computers owned, leased or operated on behalf of the DOE.

(End of Clause)

[FR Doc. 06–6319 Filed 7–18–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24093; Directorate Identifier 2006–CE–19–AD; Amendment 39–14683; AD 2006–15–03]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) that supersedes AD 2003–13–04, which applies to certain Pilatus Aircraft Ltd (Pilatus) Model PC–6 airplanes. AD 2003–13–04 currently requires you to inspect the integral fuel tank wing ribs for cracks and the top and bottom wing skins for distortion, repair any cracks or distortion before further flight, and do a fuel tank ventilating system installation. Since we issued AD 2003–13–04, the FAA determined the action should also apply to all the models of the PC–6 airplanes listed in the type certificate data sheet of Type Certificate (TC) No. 7A15 that were produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation). In addition, the intent of the applicability of AD 2003–13–04 was to apply to all the affected serial numbers of the airplane models listed in TC No. 7A15. This AD retains all the actions of AD 2003–13–04, adds those Fairchild Republic Company airplanes to the applicability of this AD, and lists the individual specific airplane models. We are issuing this AD to detect and correct cracks in the ribs of the inboard integral fuel tanks in the left and right wings, which could lead to wing failure during flight with consequent loss of control of the airplane.

DATES: This AD becomes effective on August 23, 2006.

As of August 15, 2003 (68 FR 37394, June 24, 2003), the Director of the Federal Register previously approved the incorporation by reference of Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 57–002, dated November 27, 2002; and Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 118, dated December 1972, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: To get the service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224.

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–2006–24093; Directorate Identifier 2006–CE–19–AD.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

On May 3, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all the models of the PC–6 airplanes listed in the type certificate data sheet of TC No. 7A15 that were produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation) airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 9, 2006 (71 FR 26882). The NPRM proposed to supersede AD 2003–13–04 (68 FR 37394, June 24, 2003), add those Fairchild Republic Company airplanes to the applicability of this proposed AD, and would list the individual specific airplane models. The NPRM proposed to retain all of the actions of AD 2003–13–04 for inspecting the integral fuel tank wing ribs for cracks and the top and bottom wing skins for distortion, repairing any cracks or distortion before further flight, and installing a fuel tank ventilating system.

Comments

We provided the public the opportunity to participate in developing this AD. We received one comment in favor of the proposed AD.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 49 airplanes in the U.S. registry.

We estimate the following costs to do the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
5 work-hours × $80 per hour = $400	Not applicable	$400	$19,600

We estimate the following costs for each rib to do any necessary rib repair that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need this repair:

Labor cost	Parts cost	Total cost per rib
3 work-hours × $80 per hour = $240 per rib	$50 per rib	$290

We estimate the following costs to install any inboard fuel tank ventilating system that will be required based on the results of this inspection. We have no way of determining the number of airplanes that may need such an installation.

Labor cost	Parts cost	Total cost per airplane
12 work-hours × $80 per hour = $960	$200	$1,160

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 AD.

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 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 ''Docket No. FAA–2006–24093; Directorate Identifier 2006–CE–19–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) 2003–13–04, 39–13204 (68 FR 37394, June 24, 2003), and by adding the following new AD:

2006–15–03 Pilatus Aircraft Ltd.: Amendment 39–14683; Docket No. FAA–2006–24093; Directorate Identifier 2006–CE–19–AD.

Effective Date

(a) This AD becomes effective on August 23, 2006.

Affected ADs

(b) This AD supersedes AD 2003–13–04, Amendment 39–13204.

Applicability

(c) This AD affects the following Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes that are equipped with turbo-prop engines and are certificated in any category:

(1) Group 1 (maintains the actions from AD 2003–13–04): All manufacturer serial numbers (MSN) up to and including 939.

(2) Group 2: MSN 2001 through 2092.

Note: These airplanes are also identified as Fairchild Republic Company PC–6 airplanes, Fairchild Industries PC–6 airplanes, Fairchild Heli Porter PC–6 airplanes, or Fairchild-Hiller Corporation PC–6 airplanes.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland that requires retaining the actions of AD 2003–13–04 and adding MSN 2001 through 2092 for all the models of the PC–6 airplanes listed in the type certificate data sheet of Type Certificate (TC) No. 7A15. We are issuing this AD to detect and correct cracks in the ribs of the inboard integral fuel tanks in the left and right wings, which could lead to wing failure during flight with consequent loss of control of the airplane.

Compliance

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

Actions	Compliance	Procedures
(1) Inspect: (i) The ribs in the inboard integral fuel tanks and related structure in the left and right wings for crack damage;	(A) *For Group 1 Airplanes:* Within the next 100 hours time-in-service (TIS) after August 15, 2003 (the effective date of AD 2003–13–04), unless already done.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 57–002, dated November 27, 2002.

Actions	Compliance	Procedures
(ii) The upper and lower wing skins for damage; and (iii) The inboard fuel tank area to determine if the inboard fuel tank ventilating system is installed.	(B) *For Group 2 Airplanes:* Within the next 90 days or 100 hours TIS, whichever occurs first, after August 23, 2006 (the effective date of this AD), unless already done.	
(2) If any crack damage is found: (i) Correct the crack damage designated as repairable in the service bulletin. (ii) For other crack damage, obtain a repair scheme from the manufacturer through FAA at the address specified in paragraph (f) of this AD and incorporate this repair scheme.	Before further flight after the inspections required in paragraph (e)(1) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 57–002, dated November 27, 2002.
(3) If wing distortion is found, obtain a repair scheme from the manufacturer through FAA at the address specified in paragraph (f) of this AD and incorporate this repair scheme.	Before further flight after the inspections required in paragraph (e)(1) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 57–002, dated November 27, 2002.
(4) If the inboard fuel tank ventilating system is not installed, install the inboard fuel tank ventilating system.	Before further flight after the inspections required in paragraph (e)(1) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 118, dated December 1972.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Standards Office, ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(g) AMOCs approved for AD 2003–13–04 are approved for this AD.

Related Information

(h) Swiss AD Numbers HB 2003–092, dated February 17, 2003, and HB 2005–289, effective date August 23, 2005, also address the subject of this AD.

Material Incorporated by Reference

(i) You must do the actions required by this AD following the instructions in Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 57–002, dated November 27, 2002, and Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 118, dated December 1972.

(1) As of August 15, 2003 (68 FR 37394, June 24, 2003), the Director of the Federal Register previously approved the incorporation by reference of Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 57–002, dated November 27, 2002; and Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 118, dated December 1972, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) To get a copy of this service information, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224. 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–2006–24093; Directorate Identifier 2006–CE–19–AD.

Issued in Kansas City, Missouri, on July 11, 2006.

Steven W. Thompson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–11339 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24092; Directorate Identifier 2006–CE–18–AD; Amendment 39–14682; AD 2006–15–02]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) that supersedes AD 2003–09–01, which applies to certain Pilatus Aircraft Ltd (Pilatus) Model PC–6 airplanes. AD 2003–09–01 currently requires you to inspect and correct, as necessary, the aileron control bellcrank assemblies at the wing and fuselage locations. Since we issued AD 2003–09–01, the FAA determined the action should also apply to all the models of the PC–6 airplanes listed in the type certificate data sheet of Type Certificate (TC) No. 7A15 that were produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation). In addition, the intent of the applicability of AD 2003–09–01 was to apply to all the affected serial numbers of the airplane models listed in TC No. 7A15. This AD retains all the actions of AD 2003–09–01, adds those Fairchild Republic Company airplanes to the applicability of this AD, and lists the individual specific airplane models. We are issuing this AD to detect and correct increased friction in the aileron control bellcrank assemblies, which could result in failure of the aileron flight-control system. Such failure could lead to problems in controlling flight.

DATES: This AD becomes effective on August 23, 2006.

As of June 17, 2003 (68 FR 22582, April 29, 2003), the Director of the Federal Register previously approved the incorporation by reference of Pilatus Service Bulletin No. 27–001, dated June 5, 2002, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: To get the service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224.

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–2006–24092; Directorate Identifier 2006–CE–18–AD.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

On May 3, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all the models of the PC–6 airplanes listed in the type certificate data sheet of TC No. 7A15 that were produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation) airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 9, 2006 (71 FR 26891). The NPRM proposed to supersede AD 2003–09–01 (68 FR 22582, April 29, 2003), add those Fairchild Republic Company airplanes to the applicability of this proposed AD, and would list the individual specific airplane models. The NPRM proposed to retain all of the actions of AD 2003–09–01 for inspecting and correcting, as necessary, the aileron control bellcrank assemblies at the wing and fuselage locations.

Comments

We provided the public the opportunity to participate in developing this AD. We received one comment in favor of the proposed AD.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 49 airplanes in the U.S. registry.

We estimate the following costs to do the inspection and modifications:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
7 work-hours × $80 per hour = $560	$300	$860	$860 × 49 = $42,140.

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 AD.

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 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 ''Docket No. FAA–2006–24092; Directorate Identifier 2006–CE–18–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) 2003–09–01, Amendment 39–13130 (68 FR 22582, April 29, 2003), and by adding the following new AD:

2006–15–02 Pilatus Aircraft Ltd.: Amendment 39–14682; Docket No. FAA–2006–24092; Directorate Identifier 2006–CE–18–AD.

Effective Date

(a) This AD becomes effective on August 23, 2006.

Affected ADs

(b) This AD supersedes AD 2003–09–01, Amendment 39–13130.

Applicability

(c) This AD affects the following Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes that are certificated in any category:

(1) *Group 1* (maintains the actions from AD 2003–09–01): All manufacturer serial numbers (MSN) up to and including 939.

(2) *Group 2:* MSN 2001 through 2092.

Note: These airplanes are also identified as Fairchild Republic Company PC–6 airplanes, Fairchild Industries PC–6 airplanes, Fairchild Heli Porter PC–6 airplanes, or Fairchild-Hiller Corporation PC–6 airplanes.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland that requires retaining the

actions of AD 2003–09–01 and adding MSN 2001 through 2092 for all the models of the PC–6 airplanes listed in the type certificate data sheet of Type Certificate No. 7A15. We are issuing this AD to detect and correct increased friction in the aileron control bellcrank assemblies, which could result in failure of the aileron flight-control system. Such failure could lead to problems in controlling flight.

Compliance

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

Actions	Compliance	Procedures
(1) Inspect, before removal of the wing bellcrank assemblies, part numbers (P/N) 6132.0071.51 and 6132.0071.52, for installed circlips, P/N N237. (i) If circlips are installed, do the actions required in paragraphs (e)(5) and (e)(6) of this AD. (ii) If circlips are not installed, perform all actions required by paragraphs (e)(3), (e)(4), (e)(5), (e)(6), and (e)(7) of this AD.	(A) For Group 1 Airplanes: Within the next 100 hours time-in-service (TIS) after June 17, 2003 (the effective date of AD 2003–09–01), unless already done. (B) For Group 2 Airplanes: Within the next 100 hours TIS after August 23, 2006 (the effective date of this AD), unless already done.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(2) Inspect, before removal of the fuselage bellcrank assembly, P/N 6232.0118.00, for the circlip installed on the housing to prevent axial movement of the bellcrank on its bearing and the flange of the housing to the rear. If the fuselage bellcrank assembly has either no circlip and/or it is not installed as required, perform the actions in paragraphs (e)(8) and (e)(9) of this AD.	Before further flight after the inspection required in paragraph (e)(1) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(3) Remove the wing bellcrank assemblies, P/Ns 6132.0071.51 and 6132.0071.52, and inspect for worn or damaged bearings. Replace worn or damaged bearings.	Before further flight after the inspections required in paragraphs (e)(1) and (e)(2) of this AD, as applicable.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(4) Stake and lock the bearing in the housing of the wing bellcranks, P/Ns 6132.0071.51 and 6132.0071.52.	Before further flight after the inspections required in paragraphs (e)(1) and (e)(2) of this AD, as applicable.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(5) Inspect the wing bellcranks control-cable attachment bolts for correct type and for signs of rub damage on the heads. Replace bolts that are damaged and/or have a total length (including head) of more than 21.5 mm (0.85 in.).	Before further flight after the inspections required in paragraphs (e)(1) and (e)(2) of this AD, as applicable.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(6) Inspect the wing bellcranks support plate for signs of rub damage caused by the bolts. If damage is found: (i) Obtain a repair scheme from the manufacturer through FAA at the address specified in paragraph (f) of this AD. (ii) Incorporate this repair scheme.	Before further flight after the inspections required in paragraphs (e)(1) and (e)(2) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(7) Reinstall wing bellcrank assemblies	Before further flight after the inspections required in paragraphs (e)(1) and (e)(2) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(8) Remove the fuselage bellcrank assembly, P/N 6232.0118.00, and inspect the housing for wear, damage, and signs of axial movement of the bearing in the housing. Replace worn or damaged bearings. If any signs of axial movement of a bearing are found: (i) Obtain a repair scheme from the manufacturer through FAA at the address specified in paragraph (f) of this AD. (ii) Incorporate this repair scheme.	Before further flight after the inspections required in paragraphs (e)(1) and (e)(2) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(9) Reinstall the fuselage bellcrank assembly. Ensure that the fuselage bellcrank assembly is installed so that the surface of the bellcrank with the flange of the housing is installed to the rear. The effect of this is to lock the bellcrank on the bearing tube and thus prevent movement.	Before further flight after the inspections required in paragraphs (e)(1), (e)(2), and (e)(8) of this AD.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.
(10) Do not install any bellcrank assemblies, P/Ns 6132.0071.51, 6132,0071.52, and 6232.0118.00 (or FAA-approved equivalent part numbers), unless the aileron assembly has been inspected, modified, and installed.	(A) For Group 1 Airplanes: As of June 17, 2003 (the effective date of AD 2003–09–01). (B) For Group 2 Airplanes: As of August 23, 2006 (the effective date of this AD), unless already done.	Follow Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.

(f) Axial movement of serviceable bearings in the housings of the wing bellcranks is permitted provided no wear or damage to the bearing is found.

(g) Any sign of axial movement of a bearing in the housing of the fuselage bellcrank assembly requires that you obtain a repair scheme from the manufacturer through FAA at the address specified in paragraph (i) of this AD and incorporate the repair scheme.

(h) 14 CFR 21.303 allows for replacement parts through parts manufacturer approval (PMA). The phrase ''or FAA-approved equivalent part number'' in this AD is intended to signify those parts that are PMA approved through identicality to the design of the part under the type certificate and replacement parts to correct the unsafe condition under PMA (other than identicality). If parts are installed that are identical to the unsafe parts, then the corrective actions of the AD affect these parts also. In addition, equivalent replacement parts to correct the unsafe condition under PMA (other than identicality) may also be installed provided they meet current airworthiness standards, which include those actions cited in this AD.

Alternative Methods of Compliance (AMOCs)

(i) The Manager, Standards Office, ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(j) AMOCs approved for AD 2003–09–01 are approved for this AD.

Related Information

(k) Swiss AD Number HB 2005–289, effective date August 23, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must do the actions required by this AD following the instructions in Pilatus Aircraft Ltd. PC–6 Service Bulletin No. 27–001, dated June 5, 2002.

(1) As of June 17, 2003 (68 FR 22582, April 29, 2003), the Director of the Federal Register previously approved the incorporation by reference of Pilatus Service Bulletin No. 27–001, dated June 5, 2002, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) To get a copy of this service information, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224. 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–2006–24092; Directorate Identifier 2006–CE–18–AD.

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

Steven W. Thompson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–11333 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1350

[Docket No. NHTSA–2006–23700]

RIN 2127–AJ86

Motorcyclist Safety Grant Program

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

ACTION: Final rule.

SUMMARY: This final rule implements the Motorcyclist Safety grant program authorized under section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) for fiscal years 2006 through 2009. Eligibility for the section 2010 grants is based on six statutorily-specified grant criteria. To receive an initial section 2010 grant, a State must demonstrate compliance with at least one of the six grant criteria. To receive a grant in subsequent fiscal years, a State must demonstrate compliance with at least two of the six grant criteria. This final rule establishes the requirements a State must meet and the procedures it must follow to receive a section 2010 Motorcyclist Safety grant, beginning in fiscal year 2006.

DATES: This final rule becomes effective on July 19, 2006.

FOR FURTHER INFORMATION CONTACT: *For program issues:* Marti Miller, Regional Operations and Program Delivery, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366–2121. *For legal issues:* Allison Rusnak, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366–1834.

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I. Background

An estimated 128,000 motorcyclists have died in traffic crashes since the enactment of the Highway Safety Act of 1966. There are nearly 6 million motorcycles [1] registered in the United States. Motorcycles made up more than 2 percent of all registered vehicles in the United States in 2004 and accounted for an estimated 0.3 percent of all vehicle miles traveled. Per vehicle mile traveled in 2004, motorcyclists were about 34 times more likely to die and 8 times more likely to be injured in a motor vehicle traffic crash than passenger car occupants. Motorcycle rider fatalities reached a high of 5,144 in 1980. After dropping to a low of 2,116 in 1997, motorcycle rider fatalities have increased for 7 consecutive years, reaching a total of 4,008 in 2004, the last full year for which data are available—an increase of 89 percent. Preliminary 2005 Fatality Analysis Reporting System (FARS) data show a projected increase of 7.7% in motorcycle fatalities.

Impaired motorcycle operation contributes considerably to motorcycle fatalities and injuries. In fatal crashes in 2004, a higher percentage of motorcycle operators than any other type of motor vehicle operator had blood alcohol concentration (BAC) levels of .08 grams

[1] For the purposes of the section 2010 grants, NHTSA proposed in the NPRM that the term ''motorcycle'' would have the same meaning as in 49 CFR 571.3, ''a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.'' NHTSA received no comments on the meaning of the term ''motorcycle.'' Therefore, we retain the definition without change in this final rule.

per deciliter (g/dL) or higher. The percentages for vehicle operators involved in fatal crashes were 27 percent for motorcycles, as compared to 22 percent for passenger cars, 21 percent for light trucks, and 1 percent for large trucks.

NHTSA traditionally promotes motorcycle safety through highway safety grants and technical assistance to States, data collection and analysis, research, and safety standards designed to contribute to the safe operation of a motorcycle. NHTSA has allocated resources to support these broad initiatives since the agency's inception in the late 1960s and has collected and analyzed data on motorcycle safety since 1975.

II. Section 2010 Statutory Requirements

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) was enacted into law (Pub. L. 109–59). Section 2010 of SAFETEA–LU authorizes the Secretary of Transportation to ''make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists,'' based on six grant criteria: *(1) Motorcycle Rider Training Courses; (2) Motorcyclists Awareness Program; (3) Reduction of Fatalities and Crashes Involving Motorcycles; (4) Impaired Driving Program; (5) Reduction of Fatalities and Accidents Involving Impaired Motorcyclists; and (6) Use of Fees Collected from Motorcyclists for Motorcycle Programs.*

SAFETEA–LU specifies that to qualify for an initial section 2010 grant, a State must demonstrate compliance with at least one of the six grant criteria, and to qualify for a grant in subsequent fiscal years, a State must demonstrate compliance with at least two of the six grant criteria. Under this four-year grant program, which covers fiscal years 2006 through 2009, a State may use grant funds for a variety of motorcyclist safety training and motorcyclist awareness programs or it may suballocate funds to a nonprofit organization incorporated in the State to carry out grant activities. The term ''State'' has the same meaning as in section 101(a) of title 23, United States Code, and includes any of the fifty States, the District of Columbia and Puerto Rico.

III. Section 2010 Administrative Requirements

SAFETEA–LU stipulates several administrative requirements for the section 2010 grant program. The amount of a grant made to a State for a fiscal year under this grant program may not be less than $100,000 and may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

As specified in SAFETEA–LU, a State may use section 2010 grant funds only for motorcyclist safety training and motorcyclist awareness programs, including:

(1) Improvements to motorcyclist safety training curricula;

(2) Improvements in program delivery of motorcycle training to both urban and rural areas (including procurement or repair of practice motorcycles, instructional materials, mobile training units, and leasing or purchasing facilities for closed-course motorcycle skill training) [2];

(3) Measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(4) Public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the ''share-the-road'' safety messages developed using Share-the-Road model language required under section 2010(g) of SAFETEA–LU.

IV. Notice of Proposed Rulemaking

The agency published a notice of proposed rulemaking (NPRM) on May 24, 2006 (71 FR 29855) to implement the new section 2010 grant program under SAFETEA–LU. The NPRM outlined certain procedural steps to be followed by States seeking to apply for a grant and set forth proposed requirements for the six eligibility criteria.

For the *Motorcycle Rider Training Courses* criterion, the NPRM generally proposed that a State use a training curriculum that is approved by the designated State authority having jurisdiction over motorcyclist safety issues and taught by certified motorcycle rider training instructors; offer at least one motorcycle rider training course in a majority of the State's counties or political subdivisions or in counties or political subdivisions that account for a majority of the State's registered motorcycles; and use quality control procedures to assess motorcycle rider training courses and instructor training courses conducted in the State.

For the *Motorcyclists Awareness Program* criterion, the NPRM proposed that a State develop a program by, or in coordination with, the designated State authority having jurisdiction over motorcyclist safety issues; use State data to identify and prioritize the State's motorcycle safety problem areas; encourage collaboration among agencies and organizations responsible for, or impacted by, motorcycle safety issues; and incorporate a strategic communications plan that supports the overall policy and program, is designed to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest, includes marketing and educational efforts to enhance motorcyclist awareness, and uses a mix of communication mechanisms to draw attention to the problem.

The NPRM proposal for the *Reduction of Fatalities and Crashes Involving Motorcyclists* criterion required that a State experience at least a reduction of one in the number of motorcycle fatalities and at least a whole number reduction in the rate of motor vehicle crashes involving motorcyclists. The NPRM explained that this criterion would rely on final FARS data, State crash data and Federal Highway Administration (FHWA) motorcycle registration data to determine whether a State experienced the required reductions for the preceding calendar year as compared to the calendar year occurring immediately prior to the preceding calendar year.

The agency's proposal for the fourth criterion, *Impaired Driving Program,* included requirements that a State have an impaired driving program that uses State data to identify and prioritize the State's impaired driving and impaired motorcycle operation problem areas and includes specific countermeasures to reduce impaired motorcycle operation with strategies designed to reach motorists in those jurisdictions where the incidence of impaired motorcycle crashes is highest. NHTSA proposed that for the purposes of this criterion, ''impaired'' would refer to alcohol-impaired or drug-impaired as defined by State law, provided that the State's legal alcohol-impairment level does not exceed .08 BAC.

For the *Reduction of Fatalities and Accidents Involving Impaired Motorcyclists* criterion, the NPRM proposed that a State experience at least a reduction of one in the number of fatalities involving alcohol-impaired and drug-impaired motorcycle operators

[2] In connection with the leasing or purchasing of facilities, grantees should note that the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109–115) places limits on the use of section 2010 funds. Specifically, the Act provides that none of the section 2010 funds ''shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures.''

and at least a whole number reduction in the rate of reported crashes involving alcohol-impaired and drug-impaired motorcycle operators. As with the *Reduction of Fatalities and Crashes Involving Motorcyclists* criterion discussed above, the NPRM proposed that this criterion would rely on final FARS data, State crash data and FHWA motorcycle registration data to determine whether a State experienced the required reductions for the preceding calendar year as compared to the calendar year occurring immediately prior to the preceding calendar year.

The NPRM proposed that for the sixth criterion, *Use of Fees Collected From Motorcyclists for Motorcycle Programs,* a State may qualify as a ''Law State'' or a ''Data State.'' NHTSA proposed that a Law State would mean a State that has a law or regulation requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs. NHTSA proposed that a Data State would mean a State that does not have such a law or regulation but can provide data and/or documentation from official records showing that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs were, in fact, used for motorcycle training and safety programs.

For each of the six eligibility criteria, the NPRM proposed various supporting submissions required for a State seeking to qualify.

The proposal specified an application deadline of August 15 for fiscal year 2006 and August 1 for subsequent fiscal years. To afford the States additional time, consistent with the agency's need for review time, we have changed the due date for fiscal year 2006 from August 15 to August 18. Under the proposal, States would certify that they would conduct activities and use funds in accordance with the requirements of the section 2010 program and other applicable laws and that they would maintain aggregate expenditures from all other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in State or Federal fiscal years 2003 and 2004.

Consistent with the procedures in other highway safety grant programs administered by NHTSA, the proposal provided that, within 30 days after notification of award but in no event later than September 12, States must submit an electronic HS Form 217 obligating the grant funds to the Motorcyclist Safety grant program. The NPRM also proposed that States identify their proposed use of grant funds in the Highway Safety Plans prepared under the section 402 program and detail program accomplishments in the Annual Report submitted under that program. The proposal explained that these documentation requirements would continue each fiscal year until all grant funds were expended.

Because SAFETEA–LU did not specify a matching requirement for the section 2010 program, the NPRM explained that the Federal share of programs funded under section 2010 would be 100 percent.

The NPRM proposed that States could qualify under certain criteria in second and subsequent years by certifying that the State has made no changes to the materials previously submitted to and approved by NHTSA. The final rule clarifies that a State may use a certification for qualification only if it has made no changes to the materials previously submitted to and approved *for award* by NHTSA. The NPRM provided a certification form applying to those criteria for the second and subsequent fiscal years as well as a general certification form that applies to all criteria each fiscal year. Based on the agency's experience with certification forms, particularly with respect to the new grant programs authorized by SAFETEA–LU, we included additional references to Appendix A in the regulatory text and provided clarifying instructions in Appendices A and B. The agency believes these additions will contribute to the ease of use.

V. Comments

The agency received submissions from 34 commenters in response to the NPRM. Commenters included three State highway safety agencies (the Tennessee Department of Safety, the Utah Department of Public Safety, and the Nevada Office of Traffic Safety); a company that offers training in accident scene management (Accident Scene Management, Inc.); the Governors Highway Safety Association (GHSA); the Motorcycle Riders Foundation (MRF); and 28 individuals, some of whom identified themselves as motorists, riders or members of motorcycle rider organizations such as American Bikers Aimed Toward Education (ABATE) or BikePAC.

A. In General

The agency received several positive comments in response to the NPRM. The Nevada Office of Traffic Safety commented that the proposal was acceptable as written. GHSA expressed general support for the NPRM. The MRF and one individual commented that the NPRM provides adequate flexibility to States and is consistent with the statutory language.

A number of commenters raised issues that are not within the scope of the grant program or the rule. The agency received comments from 13 individuals generally opposed to the use or intensity of daytime running lights (DRLs) on motor vehicles and/or motorcycles. One individual advocated the right of motorcyclists to have their motorcycles serviced at aftermarket shops rather than by motorcycle dealers. Another individual urged the agency to add as a criterion for the selection of grant recipients a requirement that the legislature enact mandatory and more severe penalties for motor vehicle drivers who cause the death of motorcyclists. Section 2010 of SAFETEA–LU does not address any of these issues or authorize the agency to do so in this grant program. Consequently, we have made no changes to the rule in response to these comments.

The remaining comments relate to administrative issues or particular grant criteria. The agency received at least one comment concerning five of the six eligibility criteria. Because we received no comments pertaining to the *Use of Fees Collected From Motorcyclists for Motorcycle Programs* criterion, the requirements for this criterion remain unchanged in the final rule. Comments related to the remaining five eligibility criteria and to certain administrative requirements States must meet to qualify for a section 2010 grant are addressed below, under the appropriate heading.

B. Comments Regarding Programmatic Criteria

1. Motorcycle Rider Training Courses

The agency received several comments generally in favor of increased motorcycle rider education and training and we agree that increased and continuing rider education can be beneficial in ensuring the safety of motorcyclists.

Two individuals commented that motorcyclists should receive insurance benefits as an incentive for completing training courses. Another individual commented that motorcycle education should include stress management and avoidance techniques. Accident Scene Management, Inc. and one individual asked NHTSA to ensure that a portion of the section 2010 grants funds be used to educate motorcyclists on first response or bystander assistance

training or to encourage first response or bystander assistance training as part of motorcycle safety training.

Although NHTSA welcomes insurance incentives to encourage motorcycle rider training, matters of insurance are traditionally issues of State law and an insurance incentive requirement is not specified in the statute. Therefore, the agency believes an insurance incentive requirement is not appropriate for inclusion in the rule. As to the content of motorcycle rider training course curricula, the agency acknowledges that stress management and first response or bystander training may be valuable tools for motorcyclists. Nothing in the rule or the statutory language would preclude a State from pursuing the objectives recommended by the commenters. However, we believe the statutory language of section 2010 demonstrates that Congress intended to provide States with significant latitude in developing curricula. Accordingly, we decline to mandate these as requirements, and the final rule continues to provide States with discretion in developing their motorcycle rider training course curricula.

While the agency does not believe that a mandate for first response or bystander assistance training is appropriate for inclusion in the rule, we understand the importance of bystander care and have developed the *First Care, First There* program to provide the public information and training to offer lifesaving bystander care at the scene of a motorcycle or motor vehicle crash, increasing the chance of survival for victims. Program materials include *First There, First Care* brochures, instructor preparation kits for medical professionals, and student booklet/emergency action card sets in English and Spanish. These materials may be ordered by States for use in their programs, without charge, directly from the NHTSA Web site at: *http://nhtsa.gov/people/outreach/media/catalog/Index.cfm.*

GHSA questioned the accuracy of FHWA motorcycle registration data under this criterion as well as the *Reduction of Fatalities and Crashes Involving Motorcycles* criterion and the *Reduction of Fatalities and Accidents Involving Impaired Motorcyclists* criterion. GHSA correctly noted that the NPRM proposed the use of FHWA motorcycle registration data for these latter two criteria to calculate reductions in fatalities and crashes, and this is discussed below under the heading for the criteria related to reductions in fatalities and crashes. However, the NPRM did not propose the use of FHWA motorcycle registration data for the *Motorcycle Rider Training Courses* criterion. Rather it proposed the use of official State motor vehicle records corresponding to counties or political subdivisions if a State seeks to qualify by showing that it offers at least one motorcycle rider training course in counties or political subdivisions that account for a majority of the State's registered motorcycles. The final rule retains the use of State motor vehicle records for this criterion, as FHWA motorcycle registration data is collected on a statewide basis and does not show motorcycle registrations by county or political subdivision.

In the NPRM, the agency noted that about half of all motorcycle-related fatalities occur in rural areas and stated that it is important that training is accessible to motorcyclists in rural areas. In section 2010 of SAFETEA–LU, Congress recognized the importance of training in rural areas by specifying that an eligible use of funds includes improvements in program delivery of motorcycle training to both urban and rural areas. The NPRM encouraged States to establish training courses and course locations that are accessible to both rural and urban areas but stopped short of conditioning funding on the provision of training to rural areas.

GHSA questioned NHTSA's advocacy of training in rural areas, stating that the high incidence of fatalities in rural areas does not necessarily equate with training needs in rural areas. According to GHSA, ''if a state has motorcycle training in counties that cover the majority of the state's population, there is little justification for providing additional training in the remaining rural counties.''

The agency continues to believe it is important to make training available to rural motorcycle operators and encourages States to provide courses in both urban and rural areas. We believe that providing a State the option under this criterion either to offer training in a majority of its counties or political subdivisions or to offer training in counties or political subdivisions that account for a majority of the State's registered motorcycles strikes an acceptable balance between rural and urban training. However, because the NPRM did not mandate rural training, no changes are made in response to GHSA's comment. The agency trusts that States will select the proper option under this criterion to ensure that training is offered throughout the State.

2. Motorcyclists Awareness Program

The agency received several comments from individuals generally in favor of increased motorist awareness of the presence of motorcycles and agrees that increased awareness is a key to ensuring the safety of motorcyclists. One individual commented that it is unfair to place more burden on motorcyclists than on motorists for education and prevention of motorcycle crashes. This individual and another individual recommended, as a more efficient use of money, that motorcycle awareness training be required for all driver license applicants. The requirements and conditions of driver licensing are properly a matter of State law. While the commenters' points may have merit, we decline to mandate a requirement in an area traditionally subject to State law.

Four individuals suggested the use of section 2010 grant funds for awareness activities using specific communications mechanisms (e.g., television, radio, billboards, bumper stickers), and two of those individuals recommended particular awareness messages (''Look Twice, Save a Life'', ''Share the Road with Motorcyclists'', ''Let's Not Meet by Accident''). NHTSA agrees that using such communications mechanisms and awareness messages can be beneficial to a comprehensive awareness program. However, we do not believe it is appropriate to dictate communications mechanisms or awareness messages. A State should be free to tailor its communications mechanisms and awareness messages to particular needs in the State. Nothing in the statutory language or the final rule, however, precludes States from using section 2010 grants for the specific purposes suggested by these commenters.

Section 2010 of SAFETEA–LU requires that a State have ''an effective statewide program to enhance motorist awareness of the presence of motorcyclists.'' To effectuate this requirement, the NPRM proposed that a State use State data to identify and prioritize its motorcyclist awareness problem areas and that it have a communications plan designed to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest (*i.e.*, the majority of counties or political subdivisions in the State with the highest numbers of motorcycle crashes). To demonstrate compliance with this portion of the criterion, the NPRM proposed that a State provide a list of counties or political subdivisions in the State ranked in order of the highest to lowest number of motorcycle crashes per county or political subdivision and a copy of its strategic communications plan showing that it is designed to

educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest.

The Utah Department of Public Safety expressed overall support for the NPRM's proposal under this criterion but indicated that the proposed language (that the communications plan be designed to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest) ''seems to leave questions about interpretation.'' The Utah Department of Public Safety commented that the program would be ''well served'' if NHTSA incorporated ''dual level criteria'' to achieve a statewide program, including counties where a majority of motorcycles are registered and counties where the majority of the motorcycle crashes occurred. According to the Utah Department of Public Safety, in Utah and in many western States, population densities vary widely between counties. The Utah Department of Public Safety explained that, in Utah, six of the twenty-nine counties contain over 85 percent of the State's population.

Given such high densities of population in a relatively few number of counties in some States, the agency agrees that it is beneficial to incorporate a motorcycle registration component into this criterion. Although not precisely clear from the comment, we interpret Utah's request to seek inclusion of this approach as an alternative option. We have changed the final rule to require that a State must have a motorcyclists awareness program that incorporates a strategic communications plan that is designed to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest *or in those jurisdictions that account for a majority of the State's registered motorcycles*. To demonstrate compliance with this new option, a State must provide a list of counties or political subdivisions in the State and the corresponding number of registered motorcycles for each county or political subdivision according to official State motor vehicle records. Additionally, the State's strategic communications plan must show that it is designed to educate motorists in those jurisdictions that account for a majority of the State's registered motorcycles (*i.e.*, the counties or political subdivisions that account for a majority of the State's registered motorcycles as evidenced by State motor vehicle records). Because FHWA motorcycle registration data is not specific to counties or political subdivisions, the final rule requires a State to use its own motor vehicle records under this option.

In the NPRM, the agency proposed that a State use motorcycle crash data from the calendar year occurring immediately before the fiscal year of the grant application to identify and prioritize the State's motorcycle safety problem areas. For example, for fiscal year 2006, the NPRM would require a State to provide motorcycle crash data from calendar year 2005. The Utah Department of Public Safety expressed doubt about its ability to provide current data in a timely manner and instead recommended using the definition of ''preceding calendar year'' proposed for the two eligibility criteria pertaining to fatality and crash reductions.

Congress limited its use of the term ''preceding calendar year'' to the two eligibility criteria pertaining to fatality and crash reductions. If a State chooses to apply using this option of the criterion, the agency prefers the most recent data and believes that many States will be able to provide data as proposed in the NPRM. However, because we recognize that some States may have difficulty, we have changed the rule to require a State to use and provide motorcycle crash data from the calendar year occurring immediately before the fiscal year of the grant application or, only if that data is not available, data from the calendar year occurring two years before the fiscal year of the grant application. That is, under this option, for fiscal year 2006, a State must use and provide motorcycle crash data from calendar year 2005 or, only if that data is not available, data from calendar year 2004. The final rule makes a conforming change for data required under the *Impaired Driving Program* criterion.

GHSA raised a number of additional concerns regarding the NPRM proposal for the *Motorcyclists Awareness Program* criterion. Focusing an awareness campaign on the majority of counties or political subdivisions with the highest numbers of motorcycle crashes, according to GHSA, may not correlate with inadequate motorist awareness of motorcyclists. GHSA also commented that lack of awareness does not lend itself to deployment to specific locations, asserting that States conduct awareness campaigns on a statewide basis rather than by targeting specific locations. With respect to the former point, NHTSA believes this concern is addressed in the final rule by the incorporation of an option for a State's strategic communications plan to educate motorists in those jurisdictions that account for a majority of the State's registered motorcycles, as discussed above. As to the latter concern, the agency disagrees with this assertion, as States routinely target particular locations in their awareness campaigns. We decline to change the rule in response to this comment.

GHSA expressed concern about the NPRM's proposal that a State use a variety of communications mechanisms. GHSA commented that States have limited resources and cannot engage in a communications campaign that rises to the level of campaigns for safety belts and impaired driving. GHSA indicated that States may have sufficient resources for some communications (*e.g.*, brochures, flyers and posters), but not for billboards, newspaper ads, other paid media or computer-based training. Mindful that the funding for motorcyclists awareness programs is often limited, the NPRM did not specify which communications mechanisms a State must utilize as part of its motorcyclists awareness program, instead providing States with significant latitude to use communications mechanisms that best fit their needs and budget constraints. Based on NHTSA's experience with dispersing traffic safety messages, the agency believes that a variety of communications mechanisms can be most effective in a comprehensive awareness program. The final rule remains unchanged and continues to provide discretion to States regarding this issue.

GHSA also commented that States are unlikely to develop a strategic communications plan for motorcyclist awareness alone, instead developing a broad communications plan that covers all priority highway safety programs, including motorcyclist awareness. GHSA stated that communications strategies that work with other highway safety issues may not be appropriate with respect to motorcyclist awareness. A ''more reasonable'' approach, according to GHSA, would require that a State develop a ''statewide educational program'' with its motorcycle safety agency and other agencies and organizations responsible for, or impacted by, motorcycle safety issues.

As part of its communications program, the agency encourages States to develop a comprehensive communications plan to address its safety problems. This plan is intended to have communications efforts support State safety program activity on the ground. Consequently, the agency encourages and expects States to develop a comprehensive safety plan that includes a communications support program in lieu of individual countermeasure-specific communications plans. Accordingly, a motorcyclist safety awareness

communications component developed as part of a comprehensive State communications program is acceptable. Alternatively, a State may develop a stand-alone motorcycle safety strategic communications plan that describes how the communications will support State motorcycle safety countermeasure program initiatives. While the first approach is preferred and encouraged, either approach is adequate for grant eligibility. The rule includes language to clarify this issue.

As to GHSA's suggestion that the agency instead require a ''statewide educational program'' with collaboration among motorcycle safety agencies and organizations, the agency continues to believe that an awareness program is an educational program, and the statutory language of section 2010 requires a State to conduct its awareness program statewide. The final rule adopts the NPRM language and requires that States collaborate with agencies and organizations responsible for, or impacted by, motorcycle safety issues.

3. Reduction of Fatalities and Crashes Involving Motorcycles and Reduction of Fatalities and Accidents Involving Impaired Motorcyclists

The MRF questioned the use of certain data for the *Reduction of Fatalities and Crashes Involving Motorcycles* criterion and the *Reduction of Fatalities and Accidents Involving Impaired Motorcyclists* criterion. The MRF recommended the use of State crash data, rather than what the MRF understood to be ''FHWA FARS'' data for motorcycle crashes. The MRF explained that it has notified both NHTSA and FHWA that the FARS motorcycle crash data is flawed. NHTSA is aware of concerns the MRF has raised previously about FHWA data but not about FARS data (FARS data is compiled by NHTSA, not by FHWA). The agency understands those concerns to be related to FHWA vehicle miles traveled (VMT) data, not motorcycle registration data. The NPRM did not propose using FHWA VMT data. We retain the use of FHWA motorcycle registration data in the final rule, as the agency continues to believe the FHWA motorcycle registration database contains reliable motorcycle registration data compiled annually in a single source for all 50 States, the District of Columbia, and Puerto Rico.

To the extent that the MRF intended to express concern regarding the use of FARS data, the agency notes that FARS is one of the premier reporting systems in the world for fatal crash data and is used by researchers worldwide. As indicated in the NPRM, NHTSA believes that using the final FARS data will ensure that the most accurate fatality numbers are used to determine each State's compliance with this criterion. The FARS contains data derived from a census of fatal traffic crashes within the 50 States, the District of Columbia, and Puerto Rico. All FARS data on fatal motor vehicle crashes are gathered from the States' own documents and coded into FARS formats with common standards. Final FARS data provide comprehensive, quality-controlled fatality data. Accordingly, we preserve the use of FARS data in the rule. The final rule retains the NPRM proposal to use State crash data provided by the State to determine the number of motor vehicle crashes involving motorcycles and the number of reported crashes involving alcohol-impaired and drug-impaired motorcycle operators for the respective criteria.

GHSA also raised concerns about the use of FHWA data for these criteria and recommended that NHTSA use the FHWA motorcycle registration data on a short term basis only until NHTSA develops a better database. In doing so, GHSA cited a report from the Insurance Institute for Highway Safety (IIHS) questioning the adequacy of FHWA motor vehicle registration data, and asked whether the same concerns could be raised about FHWA motorcycle registration data. The IIHS report GHSA cites refers to FHWA licensed drivers data, not to registration data. NHTSA has no plans to develop an alternative motorcycle registration database. For the reasons stated above, the final rule retains the use of FHWA data for these criteria.

4. Impaired Driving Program

The agency received no comments specific to the Impaired Driving Program criterion. However, two individuals commented generally in favor of focusing additional attention and funds on reducing impaired driving. Another individual commented that grant funds should be used for placing alcohol impairment awareness messages such as ''Ride Straight, Drive Straight'' on billboards near establishments serving alcohol. Nothing in the final rule would preclude a State from using section 2010 grant funds in that manner, provided those efforts are part of the State's motorcyclist safety training and motorcyclist awareness programs. The rule provides States broad discretion to determine how best to use the section 2010 grant funds for their motorcyclist safety training and awareness programs.

To demonstrate compliance with this criterion and with the *Reduction of Fatalities and Accidents Involving Impaired Motorcyclists* criterion, the NPRM proposed that a State would provide a copy of its law or regulation defining impairment, and ''impaired'' would refer to alcohol-or drug-impaired as defined by State law, provided that the State's legal alcohol-impairment level does not exceed .08 BAC. The agency received no comments related to this proposal. However, to reduce burdens on States submitting applications under these criteria, the agency will accept either a copy of a State's law or regulation defining impairment *or the legal citation(s) to the State's law or regulation defining impairment.* A State seeking to apply under the *Impaired Driving Program or Reduction of Fatalities and Accidents Involving Impaired Motorcyclists* criteria should note that if its legal alcohol-impairment level exceeds .08 BAC, it is not eligible to receive a grant under these criteria. The agency made changes in the rule to clarify this point and to permit a State to provide the legal citation(s) to the State's law or regulation defining impairment or a copy of its law or regulation defining impairment.

C. Comments Regarding Administrative Issues

Section 2010 specifies that a State receiving grant funds under this program must ''maintain its aggregate expenditures from all other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures'' in fiscal years 2003 and 2004. The Utah Department of Public Safety stated that this language may lead a State to believe that expenditures for programs funded with other NHTSA funds must be maintained and requested that NHTSA specify that the maintenance of effort provision applies only to ''non-NHTSA sources'' of funds. We decline to do so. By its terms, the maintenance of effort provision applies to all sources of funds for motorcyclist safety training programs and motorcyclist awareness programs, including NHTSA funds. If Congress had intended otherwise, it would have so specified in the statutory language.

Section 2010 of SAFETEA–LU requires NHTSA to make grants to States but includes a provision permitting a State receiving a grant under this program to suballocate funds to a non-profit organization incorporated in the State to carry out grant activities under the program. The MRF expressed support for the

suballocation of grant funds to non-profit organizations. One individual commented that grant money should be offered to Motorcycle Rights Organizations (MROs) to help offset the costs to the MROs for their established motorcyclist awareness programs. The suballocation provision allows a State to suballocate grant funds to an MRO under the grant program, provided it is a nonprofit organization incorporated in that State.

The Tennessee Department of Public Safety commented that a grant under this program ''will be much easier * * * for state organizations to administer and operate if it is a 'flow Thru' type grant'' rather than a grant requiring contracts. The Tennessee Department of Public Safety asserted that ''flow thru'' grants facilitate faster set up and implementation, whereas contract bidding is time consuming. The agency interprets this comment as a request that grant funds be awarded directly to non-profit organizations to carry out grant activities, eliminating the need for States to suballocate funds. SAFETEA–LU specifies that grants are to be made to States, and the agency has no discretion to deviate from this provision. The suballocation provision provides flexibility to the States, should they choose to make use of it.

One individual commented that grant money should be used for entry-level training motorcycles designed for beginners. Consistent with the statutory language, the NPRM provided discretion to States to determine how best to use the section 2010 grant funds for their motorcyclist safety training programs. In particular, the statutory language specifies the procurement or repair of practice motorcycles as an eligible use of funds. The agency believes Congress intended that States purchase or repair motorcycles as determined by a State's training needs. The final rule does not include a requirement that States may purchase motorcycles only of a particular size. (However, purchases must comply with applicable Office of Management and Budget cost principles—OMB Circular A–87 if a State makes a purchase and OMB Circular A–122 if a non-profit organization receiving a suballocation makes a purchase).

VI. Statutory Basis for This Action

This final rule implements the grant program created by section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59).

VII. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to OMB review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. This rule was not reviewed by the Office of Management and Budget under Executive Order 12866.

The rule is not considered to be significant within the meaning of E.O. 12866 or the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034 (February 26, 1979)).

The rule does not affect amounts over the significance threshold of $100 million each year. The rule sets forth application procedures and showings to be made to be eligible for a grant. The funds to be distributed under the application procedures developed in this rule are well below the annual threshold of $100 million, with authorized amounts of $6 million in each of FYs 2006–2008 and $7 million in FY 2009.

The rule does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The rule does not create an inconsistency or interfere with any actions taken or planned by other agencies. The rule does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. Finally, the rule does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

In consideration of the foregoing, the agency has determined that this rule is not economically significant. The impacts of the rule are minimal and a full regulatory evaluation is not required.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a).) No regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that an action will not have a significant economic impact on a substantial number of small entities.

NHTSA has considered the effects of this rule under the Regulatory Flexibility Act. States are the recipients of funds awarded under the section 2010 program and they are not considered to be small entities under the Regulatory Flexibility Act. Therefore, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 13132 (Federalism)

Executive Order 13132, ''Federalism'' (64 FR 43255, August 10, 1999), requires NHTSA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, the agency may

not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or the agency consults with State and local governments in the process of developing the proposed regulation. The agency also may not issue a regulation with federalism implications that preempts a State law without consulting with State and local officials.

The agency has analyzed this rule in accordance with the principles and criteria set forth in Executive Order 13132 and has determined that the final rule does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. Moreover, the final rule will not preempt any State law or regulation or affect the ability of States to discharge traditional State government functions.

D. Executive Order 12988 (Civil Justice Reform)

This final rule does not have any preemptive or retroactive effect. 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.

E. Paperwork Reduction Act

There are reporting requirements contained in the final rule that are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. Pursuant to the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*), the agency is submitting these requirements to OMB for approval.

F. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted for inflation with a base year of 1995 (about $118 million in 2004 dollars)). This final rule does not meet the definition of a Federal mandate because the resulting annual State expenditures will not exceed the $100 million threshold and because there is no Federal mandate. This program is voluntary and States that choose to apply and qualify will receive grant funds.

G. National Environmental Policy Act

NHTSA has reviewed this rule for the purposes of the National Environmental Policy Act. The agency has determined that this final rule will not have a significant impact on the quality of the human environment.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribes)

The agency has analyzed this final rule under Executive Order 13175, and has determined that this rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Therefore, a tribal summary impact statement is not required.

I. Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) 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. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

J. Privacy Act

Please note that anyone is able to search the electronic form of all comments 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.*

List of Subjects in 23 CFR Part 1350

Grant programs—transportation, Highway safety, Motor vehicles—motorcycles.

■ In consideration of the foregoing, the agency amends chapter III of title 23 of the Code of Federal Regulations by adding part 1350 to read as follows:

PART 1350—INCENTIVE GRANT CRITERIA FOR MOTORCYCLIST SAFETY PROGRAM

Sec.

1350.1 Scope.
1350.2 Purpose.
1350.3 Definitions.
1350.4 Qualification requirements.
1350.5 Application requirements.
1350.6 Awards.
1350.7 Post-award requirements.
1350.8 Use of grant funds.
Appendix A to Part 1350—Certifications Specific to Grant Criteria for which a State Previously Received a Grant Award
Appendix B to Part 1350—General Certifications

Authority: Sec. 2010, Public Law 109–59, 119 Stat. 1535; delegation of authority at 49 CFR 1.50.

§ 1350.1 Scope.

This part establishes criteria, in accordance with section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), for awarding incentive grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

§ 1350.2 Purpose.

The purpose of this part is to implement the provisions of section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), and to encourage States to adopt effective motorcyclist safety programs.

§ 1350.3 Definitions.

As used in this part—

FARS means NHTSA's Fatality Analysis Reporting System.

Impaired means alcohol- or drug-impaired as defined by State law, provided that the State's legal alcohol-impairment level does not exceed .08 BAC.

Majority means greater than 50 percent.

Motorcycle means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

Motorcyclist awareness means an individual or collective awareness of—

(1) The presence of motorcycles on or near roadways; and

(2) Safe driving practices that avoid injury to motorcyclists.

M*otorcyclist awareness program* means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

Motorcyclist safety training or Motorcycle rider training means a formal program of instruction that is

approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

Preceding calendar year means the calendar year that precedes the beginning of the fiscal year of the grant by one year. (For example, for grant applications in fiscal year 2006, which began in October 2005, the preceding calendar year is the 2004 calendar year and final FARS data, State crash data and FHWA motorcycle registration data from the ''preceding calendar year'' would, therefore, be such data from calendar year 2004.)

State means any of the 50 States, the District of Columbia, and Puerto Rico.

§ 1350.4 Qualification requirements.

To qualify for a grant under this part, a State must meet, in the first fiscal year it receives a grant, at least one, and in the second and subsequent fiscal years it receives a grant, at least two, of the following grant criteria:

(a) *Motorcycle rider training course.* To satisfy this criterion, a State must have an effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists and that may include innovative training opportunities to meet unique regional needs, subject to the following requirements:

(1) The State must, at a minimum:

(i) Use a training curriculum that:

(A) Is approved by the designated State authority having jurisdiction over motorcyclist safety issues;

(B) Includes a formal program of instruction in crash avoidance and other safety-oriented operational skills for both in-class and on-the-motorcycle training to motorcyclists; and

(C) May include innovative training opportunities to meet unique regional needs;

(ii) Offer at least one motorcycle rider training course either—

(A) In a majority of the State's counties or political subdivisions; or

(B) In counties or political subdivisions that account for a majority of the State's registered motorcycles;

(iii) Use motorcycle rider training instructors to teach the curriculum who are certified by the designated State authority having jurisdiction over motorcyclist safety issues or by a nationally recognized motorcycle safety organization with certification capability; and

(iv) Use quality control procedures to assess motorcycle rider training courses and instructor training courses conducted in the State.

(2) To demonstrate compliance with this criterion in the first fiscal year it seeks to qualify, a State must submit:

(i) A copy of the official State document (*e.g.*, law, regulation, binding policy directive, letter from the Governor) identifying the designated State authority over motorcyclist safety issues;

(ii) Document(s) demonstrating that the training curriculum is approved by the designated State authority having jurisdiction over motorcyclist safety issues and includes a formal program of instruction in crash avoidance and other safety-oriented operational skills for both in-class and on-the-motorcycle training to motorcyclists;

(iii)(A) If the State seeks to qualify under this criterion by showing that it offers at least one motorcycle rider training course in a majority of counties or political subdivisions in the State—A list of the counties or political subdivisions in the State, noting in which counties or political subdivisions and when motorcycle rider training courses were offered in the 12 months preceding the due date of the grant application; or

(B) If the State seeks to qualify under this criterion by showing that it offers at least one motorcycle rider training course in counties or political subdivisions that account for a majority of the State's registered motorcycles—A list of the counties or political subdivisions in the State, noting in which counties or political subdivisions and when motorcycle rider training courses were offered in the 12 months preceding the due date of the grant application and the corresponding number of registered motorcycles in each county or political subdivision according to official State motor vehicle records;

(iv) Document(s) demonstrating that the State uses motorcycle rider training instructors to teach the curriculum who are certified by the designated State authority having jurisdiction over motorcyclist safety issues or by a nationally recognized motorcycle safety organization with certification capability; and

(v) A brief description of the quality control procedures to assess motorcycle rider training courses and instructor training courses used in the State (e.g., conducting site visits, gathering student feedback) and the actions taken to improve the courses based on the information collected.

(3) To demonstrate compliance with this criterion in the second and subsequent fiscal years it seeks to qualify, a State must submit:

(i) If there have been changes to materials previously submitted to and approved for award by NHTSA under this criterion, information documenting any changes; or

(ii) If there have been no changes to materials previously submitted to and approved for award by NHTSA under this criterion, a statement certifying that there have been no changes and that the State continues to offer the motorcycle rider training course in the same manner (See Appendix A of this part).

(b) *Motorcyclists awareness program.* To satisfy this criterion, a State must have an effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists, subject to the following requirements:

(1) The motorcyclists awareness program must, at a minimum:

(i) Be developed by, or in coordination with, the designated State authority having jurisdiction over motorcyclist safety issues;

(ii) Use State data to identify and to prioritize the State's motorcyclists awareness problem areas;

(iii) Encourage collaboration among agencies and organizations responsible for, or impacted by, motorcycle safety issues; and

(iv) Incorporate a strategic communications plan that—

(A) Supports the State's overall safety policy and countermeasure program;

(B) Is designed, at a minimum, to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest or in those jurisdictions that account for a majority of the State's registered motorcycles;

(C) Includes marketing and educational efforts to enhance motorcyclist awareness; and

(D) Uses a mix of communication mechanisms to draw attention to the problem.

(2) To demonstrate compliance with this criterion in the first fiscal year it seeks to qualify, a State must submit:

(i) A copy of the State document identifying the designated State authority having jurisdiction over motorcyclist safety issues;

(ii) A letter from the Governor's Highway Safety Representative stating that the State's motorcyclists awareness program was developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues;

(iii) Data used to identify and prioritize the State's motorcycle safety problem areas, including—

(A) If the State seeks to qualify under this criterion by showing that it identifies and prioritizes the State's motorcycle safety problem areas based on motorcycle crashes, a list of counties or political subdivisions in the State ranked in order of the highest to lowest number of motorcycle crashes per county or political subdivision (such data must be from the calendar year occurring immediately before the fiscal year of the grant application or, only if that data is not available, data from the calendar year occurring two years before the fiscal year of the grant application (e.g., for a fiscal year 2006 grant, a State must provide data from calendar year 2005, if such data is available, or data from calendar year 2004 only if data from calendar year 2005 is not available)); or

(B) If the State seeks to qualify under this criterion by showing that it identifies and prioritizes the State's motorcycle safety problem areas based on motorcycle registrations, a list of counties or political subdivisions in the State and the corresponding number of registered motorcycles for each county or political subdivision according to official State motor vehicle records;

(iv) A brief description of how the State has achieved collaboration among agencies and organizations responsible for, or impacted by, motorcycle safety issues; and

(v) A copy of the strategic communications plan showing that it:

(A) Supports the State's overall safety policy and countermeasure program;

(B) Is designed to educate motorists in those jurisdictions where the incidence of motorcycle crashes is highest (i.e., the majority of counties or political subdivisions in the State with the highest numbers of motorcycle crashes) or is designed to educate motorists in those jurisdictions that account for a majority of the State's registered motorcycles (i.e., the counties or political subdivisions that account for a majority of the State's registered motorcycles as evidenced by State motor vehicle records);

(C) Includes marketing and educational efforts to enhance motorcyclist awareness; and

(D) Uses a mix of communication mechanisms to draw attention to the problem (e.g., newspapers, billboard advertisements, e-mail, posters, flyers, mini-planners, or instructor-led training sessions).

(3) To demonstrate compliance with this criterion in the second and subsequent fiscal years it seeks to qualify, a State must submit:

(i) If there have been changes to materials previously submitted to and approved for award by NHTSA under this criterion, information documenting any changes; or

(ii) If there have been no changes to materials previously submitted to and approved for award by NHTSA under this criterion, a statement certifying that there have been no changes and that the State continues to implement its motorcyclists awareness program in the same manner (See Appendix A of this part).

(c) *Reduction of fatalities and crashes involving motorcycles.* To satisfy this criterion, a State must experience a reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 registered motorcycle registrations), subject to the following requirements:

(1) As computed by NHTSA, a State must:

(i) Based on final FARS data, experience at least a reduction of one in the number of motorcycle fatalities for the preceding calendar year as compared to the calendar year immediately prior to the preceding calendar year; and

(ii) Based on State crash data expressed as a function of 10,000 motorcycle registrations (using FHWA motorcycle registration data), experience at least a whole number reduction (i.e., at least a 1.0 reduction) in the rate of motor vehicle crashes involving motorcycles for the preceding calendar year as compared to the calendar year immediately prior to the preceding calendar year.

(2) To be considered for compliance under this criterion in any fiscal year it seeks to qualify, a State must submit:

(i) State data showing the total number of motor vehicle crashes involving motorcycles in the State for the preceding calendar year and for the year immediately prior to the preceding calendar year; and

(ii) A description of the State's methods for collecting and analyzing data showing the number of motor vehicle crashes involving motorcycles in the State for the preceding calendar year and for the calendar year immediately prior to the preceding calendar year, including a description of the State's efforts to make reporting of motor vehicle crashes involving motorcycles as complete as possible (the methods used by the State for collecting this data must be the same in both years or improved in subsequent years);

(d) *Impaired driving program.* To satisfy this criterion, a State must implement a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation, subject to the following requirements:

(1) The impaired driving program must, at a minimum:

(i) Use State data to identify and prioritize the State's impaired driving and impaired motorcycle operation problem areas; and

(ii) Include specific countermeasures to reduce impaired motorcycle operation with strategies designed to reach motorcyclists and motorists in those jurisdictions where the incidence of impaired motorcycle crashes is highest.

(2) To demonstrate compliance with this criterion in the first fiscal year it seeks to qualify, a State must submit:

(i) State data used to identify and prioritize the State's impaired driving and impaired motorcycle operation problem areas, including a list of counties or political subdivisions in the State ranked in order of the highest to lowest number of impaired motorcycle crashes per county or political subdivision (such data must be from the calendar year occurring immediately before the fiscal year of the grant application or, only if that data is not available, data from the calendar year occurring two years before the fiscal year of the grant application (e.g., for a fiscal year 2006 grant, a State must provide data from calendar year 2005, if such data is available, or data from calendar year 2004 only if data from calendar year 2005 is not available));

(ii) A description of the State's impaired driving program as implemented, including a description of its specific countermeasures used to reduce impaired motorcycle operation with strategies designed to reach motorcyclists and motorists in those jurisdictions where the incidence of impaired motorcycle crashes is highest (i.e., the majority of counties or political subdivisions in the State with the highest numbers of impaired motorcycle crashes); and

(iii) A copy of the State's law or regulation defining impairment or the legal citation(s) to the State's law or regulation defining impairment. (A State is not eligible for a grant under this criterion if its legal alcohol-impairment level exceeds .08 BAC).

(3) To demonstrate compliance with this criterion in the second and subsequent years it seeks to qualify, a State must submit:

(i) If there have been changes to materials previously submitted to and

approved for award by NHTSA under this criterion, information documenting any changes; or

(ii) If there have been no changes to materials previously submitted to and approved for award by NHTSA under this criterion, a statement certifying that there have been no changes and that the State continues to implement its impaired driving program in the same manner (See Appendix A of this part).

(e) *Reduction of fatalities and accidents involving impaired motorcyclists.* To satisfy this criterion, a State must experience a reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- and drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations), subject to the following requirements:

(1) As computed by NHTSA, a State must:

(i) Based on final FARS data, experience at least a reduction of one in the number of fatalities involving alcohol- and drug-impaired motorcycle operators for the preceding calendar year as compared to the calendar year immediately prior to the preceding calendar year; and

(ii) Based on State crash data expressed as a function of 10,000 motorcycle registrations (using FHWA motorcycle registration data), experience at least a whole number reduction (i.e., at least a 1.0 reduction) in the rate of reported crashes involving alcohol- and drug-impaired motorcycle operators for the preceding calendar year as compared to the calendar year immediately prior to the preceding calendar year.

(2) To be considered for compliance under this criterion in any fiscal year it seeks to qualify, a State must submit:

(i) Data showing the total number of reported crashes involving alcohol- and drug-impaired motorcycle operators in the State for the preceding calendar year and for the year immediately prior to the preceding calendar year;

(ii) A description of the State's methods for collecting and analyzing data showing the number of reported crashes involving alcohol- and drug-impaired motorcycle operators in the State for the preceding calendar year and for the calendar year immediately prior to the preceding calendar year, including a description of the State's efforts to make reporting of crashes involving alcohol- and drug-impaired motorcycle operators as complete as possible (the methods used by the State for collecting this data must be the same in both years or improved in subsequent years); and

(iii) A copy of the State's law or regulation defining alcohol- and drug-impairment or the legal citation(s) to the State's law or regulation defining impairment. (A State is not eligible for a grant under this criterion if its legal alcohol-impairment level exceeds .08 BAC).

(f) *Use of fees collected from motorcyclists for motorcycle programs.* To satisfy this criterion, a State must have a process under which all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs, subject to the following requirements:

(1) A State may qualify under this criterion as either a Law State or a Data State.

(2) To demonstrate compliance as a Law State, the State must submit:

(i) In the first fiscal year it seeks to qualify, a copy of the law or regulation requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs.

(ii) In the second and subsequent years it seeks to qualify:

(A) If there have been changes to materials previously submitted to and approved for award by NHTSA under this criterion, a copy of the law or regulation requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs; or

(B) If there have been no changes to materials previously submitted to and approved for award by NHTSA under this criterion, a certification by the State that its law or regulation has not changed since the State submitted its last grant application and received approval (See Appendix A of this part).

(3) To demonstrate compliance as a Data State, in any fiscal year it seeks to qualify, a State must submit data and/or documentation from official records from the previous State fiscal year showing that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs were, in fact, used for motorcycle training and safety programs. Such data and/or documentation must show that revenues collected for the purposes of funding motorcycle training and safety programs were placed into a distinct account and expended only for motorcycle training and safety programs.

(4) Definitions. As used in this section—

(i) A Law State is a State that has a law or regulation requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs.

(ii) A Data State is a State that does not have a law or regulation requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs but can show through data and/or documentation from official records showing that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs were, in fact, used for motorcycle training and safety programs.

§ 1350.5 Application requirements.

(a) No later than August 18 in fiscal year 2006 and no later than August 1 of the remaining fiscal years for which the State is seeking a grant under this part, the State must submit, through its State Highway Safety Agency, an application to the appropriate NHTSA Regional Administrator. The State's application must:

(1) Identify the criteria that it meets and satisfies the minimum requirements for those criteria under § 1350.4;

(2) For second and subsequent year grants, include the applicable criteria-specific certifications in Appendix A to this part, as specified in § 1350.4; and

(3) For each fiscal year, include the general certifications in Appendix B to this part.

(b) A State must submit an original and two copies of its application to the appropriate NHTSA Regional Administrator.

(c) To ensure a manageable volume of materials for the agency's review of applications, a State should not submit media samples unless specifically requested by the agency.

§ 1350.6 Awards.

(a) NHTSA will review each State's application for compliance with the requirements of this part and will notify qualifying States in writing of grant awards. In each Federal fiscal year, grants will be made to eligible States upon submission and approval of the information required by this part.

(b) NHTSA may request additional information from a State prior to making a determination of award.

(c) Except as provided in paragraph (d) of this section, the amount of a grant

made to a State for a fiscal year under this program may not be less than $100,000 and may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(d) The release of grant funds under this part is subject to the availability of funds for each fiscal year. If there are expected to be insufficient funds to award full grant amounts to all eligible States in any fiscal year, NHTSA may release less than the full grant amount upon initial approval of a State's application and release the remainder, up to the State's proportionate share of available funds, before the end of that fiscal year. If insufficient funds are available to distribute the minimum amount ($100,000) to all qualifying States, all States would receive an equal reduced share. Project approval and the contractual obligation of the Federal Government to provide grant funds, is limited to the amount of funds released.

§ 1350.7 Post-award requirements.

(a) Within 30 days after notification of award but in no event later than September 12 of each year, a State must submit electronically to the agency a Program Cost Summary (HS Form 217) obligating funds to the Motorcyclist Safety grant program.

(b) Each fiscal year until all grant funds have been expended, a State must:

(1) Document how it intends to use the motorcyclist safety grant funds in the Highway Safety Plan (or in an amendment to that plan), required to be submitted by September 1 each year under 23 U.S.C. 402; and

(2) Detail section 2010 grant program accomplishments in the Annual Performance Report required to be submitted under the regulation implementing 23 U.S.C. 402.

§ 1350.8 Use of grant funds.

(a) *Eligible uses of grant funds.* A State may use grant funds only for motorcyclist safety training and motorcyclist awareness programs, including—

(1) Improvements to motorcyclist safety training curricula;

(2) Improvements in program delivery of motorcycle training to both urban and rural areas, including—

(i) Procurement or repair of practice motorcycles;

(ii) Instructional materials;

(iii) Mobile training units; and

(iv) Leasing or purchasing facilities for closed-course motorcycle skill training;

(3) Measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(4) Public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the ''share-the-road'' safety messages developed using Share-the-Road model language required under section 2010(g) of SAFETEA–LU, Public Law 109–59.

(b) *Suballocation of funds.* A State that receives a grant may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out grant activities under this part.

(c) *Matching requirement.* The Federal share of programs funded under this part shall be 100 percent.

BILLING CODE 4910–59–P

Appendix A to Part 1350—Certifications Specific to Grant Criteria for which a State Previously Received a Grant Award

(USE THIS FORM ONLY FOR GRANT CRITERIA FOR WHICH A STATE RECEIVED A GRANT IN A PRIOR FISCAL YEAR AND THAT HAVE REMAINED UNCHANGED. DO NOT USE THIS FORM FOR FIRST YEAR APPLICATIONS.)

State: _____ Fiscal Year: _____

Place an "x" in the box corresponding to each criterion for which the State received a grant in a prior fiscal year if the State made no changes to the materials previously submitted to and approved for award by NHTSA. For all other criteria or if the State made changes to the materials previously submitted to and approved for award by NHTSA, submit the required documentation.

I hereby certify that the State (or Commonwealth) of _____:

- ***Motorcycle Rider Training Courses*** **criterion—second and subsequent Fiscal Years**

  ☐ has made no changes to the materials previously submitted to and approved for award by NHTSA under this criterion and the State or Commonwealth continues to offer its motorcycle rider training courses in the same manner.

- ***Motorcyclists Awareness Program*** **criterion—second and subsequent Fiscal Years**

  ☐ has made no changes to the materials previously submitted to and approved for award by NHTSA under this criterion and the State or Commonwealth continues to implement its motorcyclists awareness program in the same manner.

- ***Impaired Driving Program*** **criterion—second and subsequent Fiscal Years**

  ☐ has made no changes to the materials previously submitted to and approved for award by NHTSA under this criterion and the State or Commonwealth continues to implement its impaired driving program in the same manner.

- ***Use of Fees Collected from Motorcyclists for Motorcycle Programs*** **criterion (Law State)—second and subsequent Fiscal Years**

  ☐ has made no changes to the law or regulation previously submitted to and approved for award by NHTSA under this criterion requiring that all fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs.

_____ _____

Governor's Highway Safety Representative Date

Appendix B to Part 1350—General Certifications

State: _____ Fiscal Year: _____

(THIS FORM IS REQUIRED EACH YEAR AND APPLIES TO ALL GRANT CRITERIA)

I hereby certify that the State (or Commonwealth) of _____:

- will use the motorcyclist safety grant funds only for motorcyclist safety training and motorcyclist awareness programs, in accordance with the requirements of section 2010(e) of SAFETEA-LU, Pub. L. 109-59;
- will administer the motorcyclist safety grant funds in accordance with 49 CFR Part 18 and OMB Circular A-87; and
- will maintain its aggregate expenditures from all other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in fiscal years (FY) 2003 and 2004. (A State may use either Federal or State fiscal years).

_____

Governor's Highway Safety Representative

Date: _____

Issued on: July 14, 2006.

Nicole R. Nason,

Administrator.

[FR Doc. 06–6354 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–59–C

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 250, 251, and 280

RIN 1010–AD23

Oil, Gas, and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: MMS is implementing regulations which impose new fees to process certain plans, applications, and permits. The service fees will offset MMS's costs of processing these plans, applications, and permits.

DATES: *Effective Date:* This regulation becomes effective on September 1, 2006.

FOR FURTHER INFORMATION CONTACT: Martin Heinze, Program Analyst, Offshore Minerals Management, Office of Planning, Budget and International Affairs at (703) 787–1010.

SUPPLEMENTARY INFORMATION:

Background: Federal agencies are generally authorized to recover the costs of providing services to non-Federal entities through the provisions of the Independent Offices Appropriation Act of 1952 (IOAA), 31 U.S.C. 9701. The Act requires implementation through rulemaking. There are several policy documents that provide MMS guidance on the process of charging applicants for service costs. The governing language concerning cost recovery can be found in OMB Circular No. A–25 which states in part, ''The provisions of this Circular cover all Federal activities that convey special benefits to recipients beyond those accruing to the general public. * * * When a service (or privilege) provides special benefits to an identifiable recipient beyond those that accrue to the general public, a charge will be imposed (to recover the full cost to the Federal Government for providing the special benefit, or the market price). * * * The general policy is that user charges will be instituted through the promulgation of regulations.'' The Department of the Interior (DOI) Manual mirrors this policy (330 DM 1.3 A.).

In this rulemaking, ''cost recovery'' means reimbursement to MMS for its costs of performing a service by charging a fee to the identifiable applicant/beneficiary of the service. Further guidance is provided by Solicitor's Opinion M–36987, ''BLM's Authority to Recover Costs of Minerals Document Processing'' (December 5, 1996). As explained in that Solicitor's Opinion, some costs, such as the costs of programmatic environmental studies and programmatic environmental assessments in support of a general agency program are not recoverable because they create an ''independent public benefit'' rather than a specific benefit to an identifiable recipient.

On March 25, 2005, MMS published an advance notice of proposed rulemaking (ANPR) (70 FR 15246) to solicit comments on the Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS. MMS addressed comments received in the ANPR in the proposed rule.

On November 14, 2005, MMS published a proposed rule in the **Federal Register** titled, ''Oil, Gas, and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS,'' (70 FR 69118). Through the proposed rule, MMS alerted the public that we seek to recover the costs of processing certain permits and applications through the rulemaking process. MMS believes that cost recovery for the MMS-provided service of reviewing and approving applications and permits is warranted because such service provides an identifiable recipient (the applicant) with direct benefits beyond those received by the general public.

The proposed rule invited comments, recommendations, and specific remarks on a program of collecting fees for reviewing the following plans and permit applications regulated by 30 CFR parts 250, 251, and 280:

- Exploration Plan (§ 250.211).
- Development and Production Plan or Development Operations Coordination Document (§ 250.241).
- Deep Water Operations Plan (§ 250.292).
- Conservation Information Document (§ 250.296).
- Application for Permit to Drill (APD; Form MMS–123).
- Application for Permit to Modify (APM; Form MMS–124).
- Facility Production Safety System Applications (installation and modification § 250.802).
- Platform Applications (required by § 250.905 for the installation, modification/repair of a platform).
- New Pipeline Application (Lease Term) § 250.1000.
- Pipeline Application Modification (Lease Term and ROW § 250.1000).
- Pipeline Repair Notification (§ 250.1008).
- Surface Commingling and Measurement Application (§ 250.1204).
- Application to Remove a Platform or Other Facility (required by § 250.1727).
- Application to Decommission a Pipeline (Lease Term and ROW § 250.1751, § 250.1752).
- Application for Permit to Conduct Geological or Geophysical Exploration for Mineral Resources or Scientific Research in the Outer Continental Shelf (Form MMS–327). This was inadvertently listed in the proposed rule, at 70 FR 69121, as Geological and Geophysical (G&G) Permits: Permit for Geophysical Exploration for Mineral Resources or Scientific Research on the Outer Continental Shelf (Form MMS–328); Permit for Geological Exploration for Mineral Resources or Scientific Research on the OCS (Form MMS–329). However, the correct form numbers were used in the actual proposed regulatory language.
- Application for Permit to Conduct Geological or Geophysical Prospecting for Mineral Resources or Scientific Research in the Outer Continental Shelf Related to Minerals Other than Oil, Gas, and Sulphur (Form MMS–134). This was inadvertently listed in the proposed rule, at 70 FR 69121, as Sand and Gravel Permits: Permit for Geophysical Prospecting for Mineral Resources or Scientific Research on the Outer Continental Shelf Related to Minerals Other than Oil, Gas, and Sulphur (Form MMS–135); Permit for Geological Prospecting for Mineral Resources or Scientific Research on the Outer Continental Shelf Related to Minerals Other than Oil, Gas, and Sulphur (Form MMS–136). However, the correct form numbers were used in the actual proposed regulatory language.

Summary of Changes to the Proposed Rule

This final rule differs from the proposed rule published on November 14, 2005 (70 FR 69118), in the following respects:

We added language in the fee table at § 250.125 to clarify that there is no fee for revisions to Exploration Plans, Development and Production Plans, and Development Operations Coordination Documents. We also added to the fee table a definition of the term ''component'' which is used in determining the fee level for New Facility Production Safety System Applications. We also corrected the fee table by inserting the existing fee of $2,350 for Pipeline Right-of-Way (ROW) Grant Applications in place of the lower fee that was erroneously inserted in the table in the proposed rule. The fee was addressed in MMS's final rule published on August 25, 2005 (70 FR 49871), and it was not our intent to revisit this fee, but only make the fee table inclusive of all pertinent fees.

We added a new paragraph (c) to § 250.125 to address how MMS will handle the service fee for the verbal approval of an Application for Permit to Modify (APM) (Form MMS–124). Verbal approvals are occasionally given for an APM. Any action that would be considered a verbal permit approval will require either a paper permit application to follow the verbal approval or an eWell submittal within 72 hours. Payment must be received with the completed application.

We also added a new section (§ 250.126 General payment instructions) which contains general instructions for paying service fees. This section explains how lessees and operators can pay service fees using both electronic funds transfer and non-electronic funds transfer. This section clearly states that electronic funds transfer is the preferred payment method.

We added fee language to § 250.1202(a) and § 250.1203(b) for liquid hydrocarbon and gas measurement applications. In the fee tables in both the preamble (70 FR 69120–69121) and at § 250.125 of the proposed rule, we listed the fees for ''Complex Surface Commingling and Measurement Application'' and ''Simple Surface Commingling and Measurement Application.'' However, while we cited in the tables to the section addressing surface commingling (§ 250.1204) and included the fee language at that section, we inadvertently left out the table citations to the measurement sections (§ 250.1202—Liquid hydrocarbon measurement—and § 250.1203—Gas measurement) and failed to include the fee language at those sections.

We have concluded that the language in the tables in the proposed rule gave sufficient notice of our intent to charge the fees indicated therein for measurement applications. The citation in the tables in the proposed rule to the surface commingling section obviously did not account for our stated intent in the tables to charge the same fee for measurement applications, which are related to surface commingling but are addressed at the two preceding sections, § 250.1202 and § 250.1203. We have concluded that companies that engage in surface commingling and measurement activities are sufficiently aware of these sections that our statements in the tables were sufficient notice of our intent to charge measurement fees.

We moved the definitions of simple and complex applications for surface commingling and measurement actions from § 250.1204(a) to § 250.1202(a), and cross-referenced the definitions in § 250.1203(b) and § 250.1204(a). We also revised the definition of a simple application by removing from the definition the following actions: platform removals; application

cancellations; facility measurement point (FMP) status changes and meter updates. These actions were removed from the definition of simple application because they are not applications and do not require approval. Finally, we have added citations to § 250.1202(a) and § 250.1203(b) in the fee table at § 250.125 for complex and simple surface commingling and measure applications.

We deleted the final sentence from proposed § 251.5 and from proposed § 280.12. The sentences simply stated that the time period for extensions was defined on the permit forms. We concluded that the permit forms are clear and there is no need to detail the content of those forms in the regulations.

Comments on the Proposed Rule

MMS received two comment letters from industry and none from the general public. One letter was from a consortium of eight trade organizations that represents numerous companies involved in the United States (U.S.) oil and gas industry. The other letter was from a large integrated oil and gas operator.

Industry respondents stated that the total of lease bonuses, rentals, and royalty fees paid by industry adequately compensate MMS and the Federal Government for any service provided in the issuance of permits and that the proposed rule seeks to ''double dip.'' Additionally industry respondents stated that the proposed fees seem contrary to the administration's national energy policy. They maintained that every dollar collected by MMS for the processing of applications and permits is a dollar that would not be spent producing energy on the OCS.

MMS works closely with industry to ensure that energy production on the OCS will continue to contribute significantly to the nation's energy supply. For example, MMS provides incentives for industry production of offshore oil and gas, such as royalty relief for deep-water and deep-gas development. The proposed service fees would not affect existing incentives and would only marginally add to the cost of operating offshore.

The relevant mineral leasing law (the Outer Continental Shelf Lands Act (OCSLA)), which granted the Secretary the authority to issue leases offshore on the OCS, was not enacted as a cost recovery mechanism. The monies collected as bonuses, rentals, and royalties under those leases are not intended to compensate the government for administrative costs. They instead reflect the value of the national interest in the resource and property. When a lease is issued, the working interest is conveyed to the lessee(s) to whom it is issued. The government reserves a royalty interest, which is a cost-free share of the production or the value of the production. Under the bidding system that is characteristic of most of the leases, the lessee pays a bonus to obtain the lease that is the result of competitive bidding. During the primary term of a lease and before the lease goes into production (in other words, during the time the lessor is not receiving any benefit from its retained royalty interest), the lessee must pay annual rentals. All of these obligations (royalties, bonus payments, and rentals) reflect the value of the lessor's (*i.e.*, the Federal government's) property interest in the leased minerals. None of these obligations was ever intended to compensate the government for its administrative costs.

In a related remark, industry respondents asserted that a document cited by MMS, OMB Circular No. A–25, provides that new user charges should not be imposed in cases where other revenues from individuals already finance the government services provided to them. The commenter appears to be citing paragraph 7.c. of OMB Circular No. A–25, which addresses excise taxes. The paragraph states that ''[n]ew user charges should not be proposed in cases where an excise tax currently finances the government services that benefit specific individuals'' (giving the example of a gasoline tax to finance highway construction). Royalties, bonus payments, and rentals are not taxes, but payments that reflect the value of the resources. Reference to this paragraph of the OMB Circular is thus inappropriate.

One commenter challenged the methodology for calculating the fees and questioned whether the Fiscal Year 2004 baseline was a typical year, and whether there was outside quality control or auditing conducted over the cost estimation methodology. Additionally, the commenter stated that the inclusion of ''indirect costs'' was not appropriate since MMS would have incurred these costs whether or not a particular application was submitted.

MMS believes that its cost recovery methodology was both reasonable and reliable and that external quality control or auditing was not necessary. MMS began tracking work activities in its financial system in FY 2003, thus FY 2004 was the second full year MMS costed its work activities within its financial system. We used the following guidance documents to determine the full cost of cost recovery activities:

- Statement of Federal Financial Accounting Standards, Managerial Cost Accounting Concepts and Standards for the Federal Government (SFFAS #4);
- OMB Circular A–25; and,
- DOI cost recovery guidance, from the DOI Manual (330 DM 1.3A.).

MMS employees code their time biweekly to work activities in the DOI Quicktime timekeeping system. Managers certify each employee's time each pay period and are responsible for accurate timekeeping. Additionally, MMS managers revalidated employees' time for FY 2004 during the fee calculation phase. When necessary, costs were adjusted if an employee's time was incorrectly coded.

The activity-based costing (ABC) methodology used by MMS is appropriate for our cost recovery needs and operating environment. MMS only included those costs (both direct and indirect) that supported the processing of plans, permits, and other applications. Especially in light of the managerial review of employees' costs, MMS has confidence in the cost data used to calculate the full cost of processing applications in this rule.

The commenter also stated that MMS should not have included indirect costs in the calculation because we would have incurred these indirect costs without the additional marginal cost of a particular application. As discussed above, OMB Circular A–25 directs agencies to recover full costs for providing special benefits. It also explains that ''[f]ull cost includes all direct and indirect costs to any part of the Federal Government of providing a good, resource or service.''

One comment suggested that MMS should improve its cost effectiveness. MMS will continue in its efforts to reduce costs through initiatives such as OCS Connect, a multi-year initiative to automate major business transactions and plan/application/permit reviews, resulting in more timely decisions. If business process changes significantly affect costs, MMS will recalculate its cost of service and propose new fees through the rulemaking process.

One commenter requested a joint MMS-industry working group to address the fee collection process. The joint working group would find the best method to reduce the administrative burden for both MMS and industry. Suggestions included annual or other types of cumulative payments rather than the ''piecemeal approach'' in the proposed rule.

MMS is directed by OMB Circular No. A–25 (section 6.a.2.(c)) to receive

payment in advance of processing an application. Cumulative payments or billing for past work is not possible. To simplify payments, MMS has implemented an online payment system through the U.S. Treasury, called PAY.GOV, for existing fees. This payment system will include the fees in this final rule. For applications submitted electronically through eWell or future e-Gov systems, an interactive credit card or Automated Clearing House (ACH) payment method will be used. The PAY.GOV Web site can be accessed through links on the MMS Offshore webpage at: *http://www.mms.gov/offshore/* or directly through PAY.GOV at: *https://www.pay.gov/paygov/*. In light of these new payment options, MMS does not see the need for a working group at this time. However we are always open to industry suggestions.

One commenter stated that the rule would significantly impact small businesses, including more than 70 percent of the companies that operate on the OCS. The commenter stated that all expenses and fees have business impacts.

The fees paid to MMS for processing actions are directly proportional to the OCS activity by a company. Larger companies generally hold more leases which translates into a greater number of exploration plans, development permits, production, development and conservation activities, designation of operator, lease assignments, Applications for Permit to Drill (APDs), Applications for Permit to Modify (APMs), facility and structure permits, etc.—in short a greater number of activities for which fees will be charged under this rule and thus payment of a larger total number of fees. The smaller companies that operate on the OCS tend to buy already developed leases and generally don't undertake significant exploration activities and they are thus not subject to many of the fees in this rule. Smaller companies tend to engage in both fewer actions and simpler types of actions, thereby incurring fewer fee costs. The most common applications submitted by small businesses have modest fees: APMs ($110), facility permit modifications ($80 to $530) and APDs ($1,850). As explained in the section discussing the Regulatory Flexibility Act, under Procedural Matters in this preamble, the greatest effect of fees in this rule on the offshore revenues of production companies would be less than 0.5 percent, and the effect on the vast majority of companies would be much less than that. In fact the impact on more than 87 percent of companies is estimated to be less than 0.1 percent of OCS revenues.

MMS consulted with the Small Business Administration (SBA) Office of Advocacy about the impact of OCS cost recovery fees. The Office of Advocacy concurred with the MMS assessment that the rule will not have a significant effect on a substantial number of small entities.

A commenter challenged the MMS position that a ''Statement of Energy Effects'' is not needed, pursuant to Executive Order (E.O.) 13211, because MMS does not consider the rule to be a significant energy action. This rule meets none of the criteria for a significant energy action. E.O. 13211 Section 4(b) defines a significant energy action:

''(b) Significant energy action'' means any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking:

(1)(i) that is a significant regulatory action under E.O. 12866 or any successor order; and,

(ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or

(2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

Moreover, E.O. 12866 defines a significant regulatory action, at section 3:

(f) ''Significant regulatory action'' means any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

Of the above quoted thresholds, the only one that could potentially be at issue is paragraph (f)(3), regarding user fees. While this rule will have an effect on the level of fees paid to MMS it will not have a material budgetary impact because the agency's overall operating appropriation will not change substantially. As these fees are appropriated for MMS operations, the amount appropriated for those operations from the General Fund of the Treasury are being decreased. Thus, this rule only marginally changes the amount contributing to the MMS appropriation from fees relative to amounts contributing to the appropriation from the General Fund. Therefore, this rule is not a significant regulatory action under E.O. 12866.

This rule also does not meet the additional threshold that must be met to trigger the need for a ''Statement of Energy Effects'' under E.O. 13211, because these fees are not ''likely to have a significant adverse effect on the supply, distribution, or use of energy.'' Compared to the normal costs of operations on the OCS, for example, drilling a well, the fees established in this rule are not significant. MMS' economic analysis showed that the effect of these fees on the offshore revenues of production companies will be under 0.5 percent, and the effect on most companies will be much smaller. These are not amounts that are likely to have an adverse effect on any company's economic standing and, consequently, they are not likely to adversely affect the supply, distribution, or use of energy. Thus a ''Statement of Energy Effects'' is not required.

MMS received inquires on how a component is defined for new and modified facility production safety system applications. The service fee table was modified to include a definition of component. The definition follows the American Petroleum Institute's (API) definition: A component is a piece of equipment or ancillary system that is protected by one or more of the safety devices required by API RP 14C (incorporated by reference as specified in § 250.198). Examples of components are; Wellheads, Flowlines, Injection Lines, Headers, Separators (Pressure Vessels) Atmospheric Vessels, Fired Vessels, Pumps, Compressors, Pipelines, Heat Exchangers, Buildings, as well as the Emergency Support System (Emergency Shutdown Stations, Pneumatic Fusible Element System and/or other electrical based fire detection systems).

Procedural Matters

Regulatory Planning and Review (Executive Order (E.O.) 12866)

This document is not a significant rule as determined by the Office of Management and Budget (OMB) and is not subject to review under E.O. 12866.

(1) This rule would not have an annual effect of $100 million or more on the economy. It would 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 proposed rule would establish fees based on cost recovery principles. Based on historical filings, we project the fees would raise revenue by approximately $16.5 million annually.

(2) This rule would not create a serious inconsistency or otherwise interfere with action taken or planned by another agency because the costs incurred are for specific MMS services and other agencies are not involved in these aspects of the OCS Program.

(3) This rule would not materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights or obligations of their recipients. The only one of these that could potentially be at issue is user fees. While this rule will have an effect on the level of fees paid to MMS, it will not have a material budgetary impact because the agency's overall operating appropriation will not change substantially. As these fees are appropriated for MMS operations, the amount appropriated for those operations from the General Fund of the Treasury are being decreased. Thus, this rule only marginally changes the amount contributing to the MMS appropriation from fees relative to the amounts contributing to the appropriation from the General Fund.

(4) This rule would not raise novel legal or policy issues.

Regulatory Flexibility Act (RFA)

The Department, in consultation with the Office of Advocacy of the Small Business Administration (SBA), determined that this final rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*).

The changes in this final rule will affect lessees and operators of leases and pipeline right-of-way holders on the OCS. This includes approximately 130 active Federal oil and gas lessees and 115 pipeline right-of-way holders. Small lessees that operate under this final rule fall under the SBA's North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. For these NAICS code classifications, a small company is one with fewer than 500 employees. Based on these criteria, an estimated 70 percent of these companies are considered small. This final rule, therefore, will affect a substantial number of small entities.

The fees proposed in the final rule will not have a significant economic effect on a substantial number of small entities because the fees are small compared to normal costs of doing business on the OCS. For example, depending on water depth and well depth, cost estimates for drilling a well range from $5 million to $23 million. Thus, the proposed fees, ranging from $80 to $24,200, are dwarfed by the millions of dollars that industry already commits to exploration, development, production, and transportation.

MMS conducted an analysis to study the potential impacts of these fees on small entities. MMS charted the 2004 production of all companies operating on the OCS. Using corresponding rolling annual average prices, MMS calculated each company's Federal OCS gross revenues. Using MMS's Technical Information Management System internal database (and other databases) with 2004 company data, plan/application/permit fees were calculated and compared with each company's calculated gross revenue.

With the exception of one company, the fees in this rule would be less than 0.5 percent of the offshore revenues of any production company. The analysis showed that the effects of these fees on the offshore revenues of the vast majority of companies (more than 87 percent) would be less than 0.1 percent. The only exception was for one company for which the analysis indicated an effect of 0.98 percent in 2004. Looking at this company's Federal OCS production and permit/plan activity in 2005 the fee impact would be 0.18 percent. This company's OCS revenues increased by a factor of 4 between 2004 and 2005. We examined the reasons for the projected impact on this company and found that it was new to the Federal OCS. It is engaging in exploration and development activities before producing significant amounts of hydrocarbons. Only a few companies will find themselves in this position and MMS thus expects that the norm will be an impact of under 0.1 percent. Even an impact up to 0.5 percent is not significant compared to the normal cost of operating on the OCS.

MMS cannot project revenue data for most of the 115 pipeline right-of-way holders. However, construction and operation of a pipeline on the OCS requires significant monetary investments and highly sophisticated technical expertise, and yields multimillion dollar revenues. Fees of a few thousand dollars will not significantly impact the finances of companies engaged in these activities. The only new fees for pipeline right-of-way holders in this rule are for pipeline modification ($3,650) and pipeline repair notification ($340). Pipeline right-of-way holders already pay a comparable existing fee of $2,350 for a pipeline grant application. We have concluded that the new fees for pipeline right-of-way holders will not have a significant economic effect on those entities.

Additionally, the service fees established in the rule will apply in a non-discriminatory way to both large and small firms. Applying for MMS services provides a benefit to both a large and small applicant if the applicant decides to operate on the OCS.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses 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 1–888–734–3247. You may comment to SBA without fear of retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with DOI.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

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

(a) Will not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) 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. Leasing on the U.S. OCS is limited to residents of the U.S. or companies incorporated in the U.S. This final rule will not change that requirement.

Unfunded Mandates Reform Act (UMRA)

This final rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The final rule will 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 UMRA (2 U.S.C. 1531 *et seq.*) is not required. This is because the final rule will not affect State, local, or tribal governments, and the effect on the private sector is small.

Takings Implication Assessment (TIA) (Executive Order 12630)

The final rule is not a governmental action capable of interference with constitutionally protected property rights. Thus, MMS did not need to prepare a TIA according to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Federalism (Executive Order 13132)

With respect to E.O. 13132, this final rule will not have federalism implications. This final rule will not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this final rule will not affect that role.

Civil Justice Reform (Executive Order 12988)

With respect to E.O. 12988, MMS finds that this final rule will not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the E.O. MMS consulted with the DOI Office of the Solicitor throughout this drafting process.

Paperwork Reduction Act (PRA)

This rulemaking relates to 30 CFR part 250, subparts A, B, D, E, F, H, I, J, L, P, and Q; 30 CFR part 251; and 30 CFR part 280. The final rulemaking affects the information collections for these regulations but would not change the approved burden hours; it would just add the associated fees. Therefore, OMB has ruled that there is no change in the information collection and that MMS does not need to make a formal submission by Form OMB 83–I for this rulemaking. We will submit Form OMB 83–C to add the fees in each collection when the rule becomes effective.

OMB has approved the information collections for the affected regulations at:

(1) 30 CFR part 250; subpart A, 1010–0114; subpart B, 1010–0151; subpart D, 1010–0141; subpart E, 1010–0067; subpart F, 1010–0043; subpart H, 1010–0059; subpart I, 1010–0149; subpart J, 1010–0050; subpart L 1010–0051; subpart P, 1010–0086, subpart Q, 1010–0142;

(2) 30 CFR part 251, 1010–0048; and

(3) 30 CFR part 280, 1010–0072.

National Environmental Policy Act (NEPA) of 1969

MMS has determined that this final rule is administrative and involves only procedural changes addressing fee requirements. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the NEPA, pursuant to 516 DM 2.3A and 516 DM 2, Appendix 1, Item 1.10.

In addition, the final rule does not involve any of the 10 extraordinary circumstances for exceptions to categorical exclusions listed in 516 DM 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the DOI, the term 'categorical exclusions' means categories of action which an agency has determined do not individually or cumulatively have a significant effect on the human environment and therefore require neither an environmental assessment nor an environmental impact statement.

Effects on the Nation's Energy Supply (Executive Order 13211)

Executive Order 13211 requires the agency to prepare a Statement of Energy Effects when it takes a regulatory action that is identified as a significant energy action. This final rule is not a significant energy action, and therefore would not require a Statement of Energy Effects because it:

(1) Is not a significant regulatory action under E.O. 12866;

(2) Is not likely to have a significant adverse effect on the supply, distribution, or use of energy; and

(3) Has not been designated by the Administrator of the Office of Information and Regulatory Affairs, OMB, as a significant energy action.

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with E.O. 13175, this final rule will not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

List of Subjects

30 CFR Part 250

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

30 CFR Part 251

Continental shelf, Freedom of information, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements, Research.

30 CFR Part 280

Continental shelf, Public lands—mineral resources, Reporting and recordkeeping requirements, Research.

Dated: June 16, 2006.

R.M. "Johnnie" Burton,

Director, Minerals Management Service, Exercising the delegated authority of the Assistant Secretary, Land and Minerals Management.

■ For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR parts 250, 251, and 280 as follows:

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

■ 1. The authority citation for 30 CFR part 250 continues to read as follows:

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

■ 2. In § 250.125, revise the table in paragraph (a); revise paragraph (b); and add new paragraph (c) to read as follows:

§ 250.125 Service fees.

(a) * * *

SERVICE FEE TABLE

Service—processing of the following	Fee amount	30 CFR citation
Change in Designation of Operator	$150	§ 250.143.
Suspension of Operations/Suspension of Production (SOO/SOP) Request.	$1,800	§ 250.171.
Exploration Plan (EP)	$3,250 for each surface location, no fee for revisions.	§ 250.211.
Development and Production Plan (DPP) or Development Operations Coordination Document (DOCD).	$3,750 for each well proposed, no fee for revisions.	§ 250.241(e).

SERVICE FEE TABLE—Continued

Service—processing of the following	Fee amount	30 CFR citation
Deepwater Operations Plan.	$3,150	§ 250.292(p).
Conservation Information Document	$24,200	§ 250.296(a).
Application for Permit to Drill (APD; Form MMS–123).	$1,850 Initial applications only, no fee for revisions.	§ 250.410(d); § 250.411; § 250.460; § 250.513(b); § 250.515; § 250.1605; § 250.1617(a); § 250.1622.
Application for Permit to Modify (APM; Form MMS–124).	$110	§ 250.460; § 250.465(b); § 250.513(b); § 250.515; § 250.613(b); § 250.615; § 250.1618(a); § 250.1622; § 250.1704(g).
New Facility Production Safety System Application for facility with more than 125 components.	$4,750 A component is a piece of equipment or ancillary system that is protected by one or more of the safety devices required by API RP 14C (incorporated by reference as specified in § 250.198). (Additional fee of $12,500 will be charged if MMS deems it necessary to visit a facility offshore; and $6,500 to visit a facility in a shipyard).	§ 250.802(e).
New Facility Production Safety System Application for facility with 25–125 components.	$1,150 (Additional fee of $7,850 will be charged if MMS deems it necessary to visit a facility offshore; and $4,500 to visit a facility in a shipyard).	§ 250.802(e).
New Facility Production Safety System Application for facility with fewer than 25 components.	$570	§ 250.802(e).
Production Safety System Application—Modification with more than 125 components reviewed.	$530	§ 250.802(e).
Production Safety System Application—Modification with 25–125 components reviewed.	$190	§ 250.802(e).
Production Safety System Application—Modification with fewer than 25 components reviewed.	$80	§ 250.802(e).
Platform Application—Installation—under the Platform Verification Program.	$19,900	§ 250.905(k).
Platform Application—Installation—Fixed Structure Under the Platform Approval Program.	$2,850	§ 250.905(k).
Platform Application—Installation—Caisson/Well Protector.	$1,450	§ 250.905(k).
Platform Application—Modification/Repair	$3,400	§ 250.905(k).
New Pipeline Application (Lease Term)	$3,100	§ 250.1000(b).
Pipeline Application—Modification (Lease Term)	$1,800	§ 250.1000 (b).
Pipeline Application—Modification (ROW)	$3,650	§ 250.1000 (b).
Pipeline Repair Notification.	$340	§ 250.1008 (e).
Pipeline Right-of-Way (ROW) Grant Application	$2,350	§ 250.1015.
Pipeline Conversion of Lease Term to ROW	$200	§ 250.1015.
Pipeline ROW Assignment	$170	§ 250.1018.
500 Feet From Lease/Unit Line Production Request.	$3,300	§ 250.1101.
Gas Cap Production Request	$4,200	§ 250.1101.
Downhole Commingling Request	$4,900	§ 250.1106.
Complex Surface Commingling and Measurement Application.	$3,550	§ 250.1202(a); § 250.1203(b); § 250.1204(a).
Simple Surface Commingling and Measurement Application.	$1,200	§ 250.1202(a); § 250.1203(b); § 250.1204(a).
Voluntary Unitization Proposal or Unit Expansion.	$10,700	§ 250.1303.
Unitization Revision	$760	§ 250.1303.
Application to Remove a Platform or Other Facility.	$4,100	§ 250.1727.
Application to Decommission a Pipeline (Lease Term).	$1,000	§ 250.1751(a) or § 250.1752(a).
Application to Decommission a Pipeline (ROW)	$1,900	§ 250.1751(a) or § 250.1752(a).

(b) Payment of the fees listed in paragraph (a) of this section must accompany the submission of the document for approval or be sent to an office identified by the Regional Director. Once a fee is paid, it is nonrefundable, even if an application or other request is withdrawn. If your application is returned to you as incomplete, you are not required to submit a new fee when you submit the amended application.

(c) Verbal approvals are occasionally given in special circumstances. Any action that will be considered a verbal permit approval requires either a paper permit application to follow the verbal approval or an electronic application submittal within 72 hours. Payment must be made with the completed paper or electronic application.

■ 3. Add a new § 250.126 to read as follows:

§ 250.126 General payment instructions.

(a) *Payment of fees associated with electronic applications.* If you submitted an application through eWell or OCS Connect, you must use the interactive payment feature in that system.

(b) *Payment of fees for applications not submitted electronically.* For applications not submitted electronically through eWell or OCS Connect, MMS prefers you to use credit card or automated clearing house (ACH) payments through the PAY.GOV Web site.

(1) *Payment using PAY.GOV Web site.* The PAY.GOV Web site may be accessed through links on the MMS Offshore Web site at: *http://www.mms.gov/offshore/* homepage or directly through PAY.GOV at: *https://www.pay.gov/paygov/*. If paying by credit card or ACH, you must include a copy of the PAY.GOV confirmation receipt page with your application.

(2) MMS will also accept payments by any of the payment means listed in this section. Your payment must be payable to: ''Department of the Interior—Minerals Management Service'' or ''DOI–MMS'' and must include your MMS company number. MMS prefers that you use these payment documents in the order presented:

(i) Commercial check drawn on a solvent bank;

(ii) Certified check;

(iii) Cashier's check;

(iv) Money order; or

(v) Bank draft drawn on a solvent bank or a Federal Reserve check.

(c) Terms used in this section have the following meanings:

(1) Automated Clearing House or ACH is a type of electronic fund transfer using the ACH network.

(2) PAY.GOV is a U.S. Treasury payment system used by MMS to receive credit card and ACH payments for processing OCS plans, permits, and other related applications or documents.

■ 4. In § 250.198, in the table in paragraph (e), revise the entry for API RP 14C to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of documents	Incorporated by reference at
* * * * *	
API RP 14C, Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems for Offshore Production Platforms, Seventh Edition, March 2001, API Stock No. G14C07.	§ 250.125(a), § 250.802(b), (e)(2); § 250.803(a), (b)(2)(i), (b)(4), (b)(5)(i), (b)(7), (b)(9)(v), (c)(2); § 250.804(a), (a)(6); § 250.1002(d); § 250.1004(b)(9); § 250.1628(c), (d)(2); § 250.1629(b)(2), (b)(4)(v); and § 250.1630(a).
* * * * * * *	

■ 5. In § 250.211, add a new paragraph (d) to read as follows:

§ 250.211 What must the EP include?

* * * * *

(d) *Service fee.* You must include payment of the service fee listed in § 250.125.

■ 6. In § 250.241, add a new paragraph (e) to read as follows:

§ 250.241 What must the DPP or DOCD include?

* * * * *

(e) *Service fee.* You must include payment of the service fee listed in § 250.125.

■ 7. In § 250.292, revise paragraphs (n) and (o); and add a new paragraph (p) to read as follows:

§ 250.292 What must the DWOP contain?

* * * * *

(n) A discussion of any new technology that affects hydrocarbon recovery systems;

(o) A list of any alternate compliance procedures or departures for which you anticipate requesting approval; and

(p) Payment of the service fee listed in § 250.125.

■ 8. In § 250.296, add the following sentence at the end of paragraph (a):

§ 250.296 When and how must I submit a CID or a revision to a CID?

(a) * * * The submission of your CID must be accompanied by payment of the service fee listed in § 250.125.

* * * * *

■ 9. In § 250.410, revise the introductory paragraph and paragraph (d) to read as follows:

§ 250.410 How do I obtain approval to drill a well?

You must obtain written approval from the District Manager before you begin drilling any well or before you sidetrack, bypass, or deepen a well. To obtain approval, you must:

* * * * *

(d) Submit the following to the District Manager:

(1) An original and two complete copies of Form MMS–123, Application for Permit to Drill (APD), and Form MMS–123S, Supplemental APD Information Sheet;

(2) A separate public information copy of forms MMS–123 and MMS–123S that meets the requirements of § 250.127; and

(3) Payment of the service fee listed in § 250.125.

■ 10. In § 250.465, revise paragraph (b)(1) to read as follows:

§ 250.465 When must I submit an Application for Permit to Modify (APM) or an End of Operations Report to MMS?

* * * * *

(b) * * *

(1) Your APM (Form MMS–124) must contain a detailed statement of the proposed work that would materially change from the approved APD. The submission of your APM must be accompanied by payment of the service fee listed in § 250.125;

* * * * *

■ 11. In § 250.513, revise the last sentence in paragraph (a), the introductory language of paragraph (b), and paragraphs (b)(3) and (b)(4) and adding paragraph (b)(5) to read as follows:

§ 250.513 Approval and reporting of well-completion operations.

(a) * * * If the completion has not been approved or if the completion objective or plans have significantly changed, approval for these operations must be requested on Form MMS–124, Application for Permit to Modify (APM).

(b) You must submit the following with Form MMS–124 (or with Form MMS–123; Form MMS–123S):

* * * * *

(3) For multiple completions, a partial electric log showing the zones proposed

for completion, if logs have not been previously submitted;

(4) When the well-completion is in a zone known to contain H_2S or a zone where the presence of H_2S is unknown, information pursuant to § 250.490 of this part; and

(5) Payment of the service fee listed in § 250.125.

* * * * *

■ 12. In § 250.613, revise the last sentence in paragraph (a), the introductory language of paragraph (b), and paragraphs (b)(2) and (b)(3) and adding paragraph (b)(4) to read as follows:

§ 250.613 Approval and reporting for well-workover operations.

(a) * * * Approval for these operations must be requested on Form MMS–124, Application for Permit to Modify.

(b) You must submit the following with Form MMS–124:

* * * * *

(2) When changes in existing subsurface equipment are proposed, a schematic drawing of the well showing the zone proposed for workover and the workover equipment to be used;

(3) Where the well-workover is in a zone known to contain H_2S or a zone where the presence of H_2S is unknown, information pursuant to § 250.490 of this part; and

(4) Payment of the service fee listed in § 250.125.

* * * * *

■ 13. In § 250.802, add a new paragraph (e)(7) to read as follows:

§ 250.802 Design, installation, and operation of surface production safety systems.

* * * * *

(e) * * *

(7) The service fee listed in § 250.125. The fee you must pay will be determined by the number of components involved in the review and approval process.

■ 14. In § 250.905, revise the introductory language and table headings and add paragraph (k) to the table to read as follows:

§ 250.905 How do I get approval for the installation, modification, or repair of my platform?

The Platform Approval Program requires that you submit the information, documents, and fee listed in the following table for your proposed project.

Required submittal	Required contents	Other requirements
* *	* * *	* *
(k) Payment of the service fee listed in § 250.125.	.....	

■ 15. In § 250.1000, revise paragraph (b) to read as follows:

§ 250.1000 General requirements.

* * * * *

(b) An application must be accompanied by payment of the service fee listed in § 250.125 and submitted to the Regional Supervisor and approval obtained before:

(1) Installation, modification, or abandonment of a lease term pipeline;

(2) Installation or modification of a right-of-way (other than lease term) pipeline; or

(3) Modification or relinquishment of a pipeline right-of way.

* * * * *

■ 16. In § 250.1008, revise paragraph (e) to read as follows:

§ 250.1008 Reports.

* * * * *

(e) The lessee or right-of-way holder must notify the Regional Supervisor before the repair of any pipeline or as soon as practicable. Your notification must be accompanied by payment of the service fee listed in § 250.125. You must submit a detailed report of the repair of a pipeline or pipeline component to the Regional Supervisor within 30 days after the completion of the repairs. In the report you must include the following:

(1) Description of repairs;

(2) Results of pressure test; and

(3) Date returned to service.

* * * * *

■ 17. In § 250.1202, revise paragraph (a)(1) to read as follows:

§ 250.1202 Liquid hydrocarbon measurement.

(a) * * *

(1) Submit a written application to, and obtain approval from, the Regional Supervisor before commencing liquid hydrocarbon production, or making any changes to the previously-approved measurement and/or allocation procedures. Your application (which may also include any relevant gas measurement and surface commingling requests) must be accompanied by payment of the service fee listed in § 250.125. The service fees are divided into two levels based on complexity as shown in the following table.

Application type	Actions
(i) Simple applications	Applications to temporarily reroute production (for a duration not to exceed six months); Production tests prior to pipeline construction; Departures related to meter proving, well testing, or sampling frequency.
(ii) Complex applications	Creation of new facility measurement points (FMPs); Association of leases or units with existing FMPs; Inclusion of production from additional structures; Meter updates which add buy-back gas meters or pigging meters; Other applications which request deviations from the approved allocation procedures.

* * * * *

■ 18. In § 250.1203, revise paragraph (b)(1) to read as follows:

§ 250.1203 Gas measurement.

* * * * *

(b) * * *

(1) Submit a written application to, and obtain approval from, the Regional Supervisor before commencing gas production, or making any changes to

the previously-approved measurement and/or allocation procedures. Your application (which may also include any relevant liquid hydrocarbon measurement and surface commingling requests) must be accompanied by payment of the service fee listed in § 250.125. The service fees are divided into two levels based on complexity, see table in § 250.1202(a)(1).

* * * * *

■ 19. In § 250.1204, revise paragraph (a)(1) to read as follows:

§ 250.1204 Surface commingling.

(a) * * *

(1) Submit a written application to, and obtain approval from, the Regional Supervisor before commencing the commingling of production or making any changes to the previously approved commingling procedures. Your application (which may also include any relevant liquid hydrocarbon and gas measurement requests) must be accompanied by payment of the service fee listed in § 250.125. The service fees are divided into two levels based on complexity, see table in § 250.1202(a)(1).

* * * * *

■ 20. In § 250.1617, revise paragraph (a) to read as follows:

§ 250.1617 Application for permit to drill.

(a) Before drilling a well under an approved Exploration Plan, Development and Production Plan, or Development Operations Coordination Document, you must file Form MMS–123, APD, with the District Manager for approval. The submission of your APD must be accompanied by payment of the service fee listed in § 250.125. Before starting operations, you must receive written approval from the District Manager unless you received oral approval under § 250.140.

* * * * *

■ 21. In § 250.1618, revise the section heading and paragraph (a) to read as follows:

§ 250.1618 Application for permit to modify.

(a) You must submit requests for changes in plans, changes in major drilling equipment, proposals to deepen, sidetrack, complete, workover, or plug back a well, or engage in similar activities to the District Manager on Form MMS–124, Application for Permit to Modify (APM). The submission of your APM must be accompanied by payment of the service fee listed in § 250.125. Before starting operations associated with the change, you must receive written approval from the District Manager unless you received oral approval under § 250.140.

* * * * *

■ 22. In § 250.1704, revise paragraph (g) in the Decommissioning Applications and Reports Table to read as follows:

§ 250.1704 When must I submit decommissioning applications and reports?

* * * * *

DECOMMISSIONING APPLICATIONS AND REPORTS TABLE

Decommissioning applications and reports	When to submit	Instructions
* *	* * *	* *
(g) Form MMS–124, Application for Permit to Modify (APM). The submission of your APM must be accompanied by payment of the service fee listed in § 250.125.	(1) Before you temporarily abandon or permanently plug a well or zone.	Include information required under §§ 250.1712 and 250.1721.
	(2) Within 30 days after you plug a well * * *	Include information required under § 250.1717.
	(3) Before you install a subsea protective device.	Refer to § 250.1722(a).
	(4) Within 30 days after you complete a protective device trawl test.	Include information required under § 250.1722(d).
	(5) Before you remove any casing stub or mud line suspension equipment and any subsea protective device.	Refer to § 250.1723.
	(6) Within 30 days after you complete site clearance verification activities.	Include information required under § 250.1743(a).

■ 23. In § 250.1727, revise the introductory paragraph to read as follows:

§ 250.1727 What information must I include in my final application to remove a platform or other facility?

You must submit to the Regional Supervisor, a final application for approval to remove a platform or other facility. Your application must be accompanied by payment of the service fee listed in § 250.125. If you are proposing to use explosives, provide three copies of the application. If you are not proposing to use explosives, provide two copies of the application. Include the following information in the final removal application, as applicable:

* * * * *

■ 24. In § 250.1751, revise paragraph (a) introductory text to read as follows:

§ 250.1751 How do I decommission a pipeline in place?

* * * * *

(a) Submit a pipeline decommissioning application in triplicate to the Regional Supervisor for approval. Your application must be accompanied by payment of the service fee listed in § 250.125. Your application must include the following information:

* * * * *

■ 25. In § 250.1752, revise the introductory text of paragraph (a) to read as follows:

§ 250.1752 How do I remove a pipeline?

* * * * *

(a) Submit a pipeline removal application in triplicate to the Regional Supervisor for approval. Your application must be accompanied by payment of the service fee listed in § 250.125. Your application must include the following information:

* * * * *

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

■ 26. The authority citation for part 251 is revised to read as follows:

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

■ 27. In § 251.5, revise paragraph (a) to read as follows:

§ 251.5 Applying for permits or filing Notices.

(a) *Permits.* You must submit a signed original and three copies of the MMS permit application form (Form MMS–327). The form includes names of persons, type, location, purpose, and

dates of activity, and environmental and other information. A nonrefundable service fee of $1,900 must accompany your application.

* * * * *

PART 280—PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR ON THE OUTER CONTINENTAL SHELF

■ 28. The authority citation for part 280 is revised to read as follows:

Authority: 43 U.S.C. 1331 *et seq.,* 42 U.S.C. 4332 *et seq.,* 31 U.S.C. 9701.

■ 29. In § 280.12, revise paragraph (a) to read as follows:

§ 280.12 What must I include in my application or notification?

(a) *Permits.* You must submit to the Regional Director a signed original and three copies of the permit application form (Form MMS–134) at least 30 days before the startup date for activities in the permit area. If unusual circumstances prevent you from meeting this deadline, you must immediately contact the Regional Director to arrange an acceptable deadline. The form includes names of persons, type, location, purpose, and dates of activity, as well as environmental and other information. A nonrefundable service fee of $ 1,900 must accompany your application.

* * * * *

[FR Doc. E6–11405 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–06–043]

RIN 1625–AA08

Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations during the ''Catholic Charities Dragon Boat Races'', a marine event to be held September 9, 2006 on the waters of the Patapsco River, Inner Harbor, Baltimore, MD. 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 Baltimore Inner Harbor during the event.

DATES: This rule is effective from 5:30 a.m. to 6:30 p.m. on September 9, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket (CGD05–06–043) 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: Dennis Sens, Project Manager, Fifth Coast Guard District, Inspections and Investigations Branch, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 4, 2006, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD in the **Federal Register** (71 FR 26285). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

On September 9, 2006, Associated Catholic Charities, Inc. will sponsor Dragon Boat Races in the Inner Harbor at Baltimore, MD. The event will consist of 40 teams rowing Chinese Dragon Boats in heats of 2 to 4 boats for a distance of 400 meters. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

Discussion of Comments and Changes

The Coast Guard did not receive comments in response to the notice of proposed rulemaking (NPRM) published in the **Federal Register**. Accordingly, the Coast Guard is establishing temporary special local regulations on specified waters of the Patapsco River, Inner Harbor, Baltimore, Maryland.

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 will prevent traffic from transiting a portion of the Baltimore Inner Harbor 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 the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area at slow speed 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 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 would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the affected portions of the Baltimore Inner Harbor during the event.

Although this regulation prevents traffic from transiting a portion of the Baltimore Inner Harbor during the event, this rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for only a limited period. 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. 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.

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 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 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This 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 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 would not create an environmental risk to health or risk to safety that might 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 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 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 and Department of Homeland Security Management Directive 5100.1, 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.

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—T05–043* to read as follows: *§ 100.35—T05–043 Patapsco River, Inner Harbor, Baltimore, MD.*

(a) *Definitions:* The following definitions apply to this section:

(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.

(3) *Participant* inclues all vessels participating in the Catholic Charities Dragon Boat races under the auspices of a Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(4) *Regulated area* inclues the waters of the Patapsco River, Baltimore, MD,

Inner Harbor from shoreline to shoreline, bounded on the east by a line drawn along longitude 076°36′30″ West. All coordinates reference Datum NAD 1983.

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

(ii) Proceed as directed by any 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.

(c) *Effective period.* This section will be enforced from 5:30 a.m. to 6:30 p.m. on September 9, 2006.

Dated: July 6, 2006.

Larry L. Hereth,

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

[FR Doc. E6–11377 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD13–06–015]

RIN 1625–AA09

Drawbridge Operation Regulations; Duwamish Waterway, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily revising the operating regulations for the First Avenue South dual drawbridges across the Duwamish Waterway, mile 2.5, at Seattle, Washington. The change will enable the bridge owner to keep the bridges closed during night hours for a period longer than 60 days. This will facilitate painting the structure while properly containing debris and paint.

DATES: This temporary rule is effective from July 15 to September 30, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CG13–06–015 and are available for inspection or copying at the office of Commander (dpw), 13th Coast Guard District, 915 Second Avenue, Seattle, WA 98174–1067 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Austin Pratt, Chief Bridge Section, Commander (dpw), 13th Coast Guard District, 915 Second Avenue, Seattle, WA 98174–1067, (206) 220–7282.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 24, 2006, we published a notice of proposed rulemaking (NPRM) entitled ''Drawbridge Operation Regulations; Duwamish River, Seattle, Washington'' in the **Federal Register** (71 FR 29871). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

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 of this temporary final rule in the **Federal Register,** as is normally required by the Administrative Procedure Act. The Coast Guard experienced administrative problems that made compliance with the 30-day rule impracticable within the work schedule that the bridge owner had previously set. Compliance with the 30-day rule would require rescheduling the repair work, perhaps for a significant amount of time. Timely maintenance of the heavily-used First Avenue South bridges helps preserve the safety of these spans. Thus, a delay of scheduled maintenance would be contrary to the public interest. Moreover, compliance with the 30-day rule at the expense of delaying scheduled maintenance is unnecessary. Temporary deviations from drawbridge schedules for repair or maintenance are already authorized, for periods not to exceed 60 days, by 33 CFR 117.35(d). In this case, the bridge repairs will not pass the 60-day mark until mid-September, by which time this temporary final rule will have been published for far more than 30 days. In addition, our May 24, 2006 NPRM alerted the public to our intention to modify the drawbridge schedule, and the NPRM received no adverse comment. Vessels large enough to require opening of these spans use the Duwamish Waterway only infrequently. Steps have been taken to notify affected vessels that the drawbridge schedule is being altered, via publication in a local notice to mariners.

Background and Purpose

The dual First Avenue South drawbridges provide 32 feet of vertical clearance at mean high water for the central 100 feet of horizontal distance in the channel spans. When the drawspans are open there is unlimited vertical clearance for the central 120 feet of the spans. An adjacent, parallel bascule bridge was constructed and completed in 1999. Drawbridge openings are provided for recreational vessels, large barges, and floating construction equipment. The operating regulations currently in effect for these drawbridges at 33 Code of Federal Regulations 117.1041 provide that the spans need not open for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m. Monday through Friday, except for Federal holidays. The draws shall open at any time for a vessel of 5,000 gross tons and over and for a vessel towing such a vessel or en route to take in tow a vessel of that size.

The temporary rule will enable the owner to paint the structure after preparing the surfaces of the steel truss beneath the roadway. All of this work must be accomplished within a containment system that permits no material to fall into the waterway. This containment system will have to be modified for drawspan openings.

The temporary closed period is from 9 p.m. to 5 a.m. Sunday through Friday from July 15 to September 30, 2006. This operating scheme was authorized last year for the same purpose and generated no objections or complaints from waterway users.

Our previous analysis indicated that most vessel operators will not be inconvenienced by the hours of temporary closure. This conclusion seems to have been borne out as no complaints were received during the previous season of work. Others would receive enough notice to plan trips at other hours. Vessel traffic includes tugboats, barges, derrick barges, sailboats and motorized recreational boats including large yachts. The majority of vessels pass through the dual bascule spans during hours other than those affected night hours.

First Avenue South is a heavily traveled commuter arterial that serves Boeing Company plants and other industrial facilities in south Seattle. The dual bascule spans need not open for the passage of vessels from 6 a.m. to 9 a.m. and from 6 p.m. to 9 p.m. Monday through Friday. Vessels of 5000 gross tons or more are exempted from these closed periods. However, vessels of this size infrequently ply this reach of the waterway. The dual spans open an average of four times a day.

Discussion of Comments and Changes

No comments or letters were received in response to the NPRM. No changes to the proposed regulation were made.

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.

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. Most vessels will be able to plan transits to avoid the closed periods. Most commercial vessel owners have indicated that they can tolerate the proposed hours by working around them. Saturdays will enjoy normal operations, lessening inconvenience to sailboats.

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 would not have a significant economic impact on a substantial number of small entities. This may affect some recreational sailboat owners insofar as they must return by 9 p.m. or wait until 5 a.m. to regain moorage above the drawbridges. We expect these to be few in number.

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 can 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 Austin Pratt, Chief, Bridge Section, at (206) 220–7282.

Collection of Information

This 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 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 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 would 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 would not create an environmental risk to health or risk to safety that might 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 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 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 Information and Regulatory Affairs has not designated this 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 (32)(e) of the Instruction, from further environmental documentation. There are no expected environmental consequences of the proposed action that would require further analysis and documentation.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. From 9 p.m. July 15 to 5 a.m. September 30, 2006, in § 117.1041, suspend paragraph (a)(1) and add a new paragraph (a)(3) to read as follows:

§ 117.1041 Duwamish Waterway.

* * * * *

(a) * * *

(3) From Monday through Friday, except all Federal holidays but Columbus Day, the draws of the First Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., except during these hours: The draws shall open at any time for a vessel of 5000 gross tons and over, a vessel towing a 5000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5000 gross tons and over. From July 15 to September 30, 2006, Sunday through Friday, the draws need not be opened for the passage of any vessels from 9 p.m. to 5 a.m.

* * * * *

Dated: July 10, 2006.

R.R. Houck,

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

[FR Doc. E6–11378 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP St. Petersburg 06–089]

RIN 1625–AA00

Safety Zone; John's Pass, Tampa Bay, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Tampa Bay, Florida in the vicinity of the John's Pass Bascule Bridge. This safety zone is being established to protect mariners from the hazards associated with the blasting demolition of the concrete portions of the John's Pass Bascule Bridge. This rule is necessary to provide for the safety of life on the navigable waters of the United States.

DATES: This rule is effective from 7 a.m. on July 10, 2006 through 7 p.m. on September 15, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of the docket [COTP St. Petersburg 06–089] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Waterways Management Division at Coast Guard Sector St. Petersburg, Prevention Department, (813) 228–2191 Ext. 8307.

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. The necessary details for the blasting demolition of the John's Pass Bascule Bridge were not provided with sufficient time remaining to publish an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to minimize potential danger to the public during the blasting demolition of the John's Pass Bascule Bridge. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the restriction along with Coast Guard assets and/or Pinellas County Sheriff marine unit on scene who will also provide notice of the safety zone to mariners.

For the same reasons, 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**.

Background and Purpose

Flatiron Construction was contracted to build a new Bascule at John's Pass and remove the existing Bridge. A meeting was held on April 13, 2006 to address the blasting of the concrete supports of the Bascule Bridge directly adjacent to the navigation channel. Flatiron will conduct two separate blasts on two different days to break the concrete supports into smaller sections for removal. The blasts are tentatively scheduled for July 28, 2006 at approximately 8 a.m., and August 25, 2006 at approximately 8 a.m. Both blasts will fracture the remaining concrete portions of the bridge supports below the waterline. The use of explosives and the proximity of the supports to the navigable channel present a hazard to mariners transiting the area. This safety zone is being established to ensure the safety of life on the navigable waters of the United States and, as such, the safety zone will be enforced for approximately two hours on days on which blasts will take place.

Discussion of Rule

The safety zone will extend out from the John's Pass Bascule Bridge in a 1,000-foot radius. Vessels and persons not under contract or employees of Flatiron are prohibited from entering, anchoring or transiting within this zone, unless authorized by the Captain of the Port St. Petersburg or his designated representative. This safety zone is effective from 7 a.m. on July 10, 2006 through 7 p.m. on September 15, 2006. The Coast Guard does not know the exact dates that this safety zone will be enforced at this time, although tentative plans are for blasts to occur on July 28, 2006 and August 25, 2006. It is estimated that the safety zone will be enforced for approximately two hours on days on which a blast occurs. Coast Guard Sector St Petersburg will give notice of the enforcement of the safety zone by issuing a Broadcast Notice to Mariners beginning 24 to 48 hours before the blasting is scheduled to begin. On-scene notice will be provided by local Coast Guard and Pinellas County Sheriff marine units enforcing 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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary because the safety zone will be in effect for a limited period of time and vessels may enter with the express permission

of the Captain of the Port St. Petersburg or his designated 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 may be small entities: the owners or operators of vessels intending to transit within a 1,000-foot radius from the John's Pass Bascule Bridge. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be enforced for a limited time when vessel traffic is expected to be extremely low. Additionally, traffic will be allowed to enter the zone with the permission of the Captain of the Port St. Petersburg or his designated representative.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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 entities may contact the office listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees 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 affect the 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 and Department of Homeland Security Management Division 5100.0, 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)(g), of the Instruction, from further environmental documentation.

A final ''Environmental Analysis Checklist'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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. A new temporary section 165.T07–089 is added to read as follows:

§ 165.T07–089 Safety Zone; John's Pass, Tampa Bay, FL.

(a) *Regulated Area.* The Coast Guard is establishing a safety zone on the waters of the Gulf of Mexico in the vicinity of the John's Pass Bascule Bridge. The safety zone encompasses all waters within a 1,000 foot radius of the John's Pass Bascule Bridge located at 27°46′58″ N, 82°46′57″ W.

(b) *Definitions.* The following definitions apply to this section: (1) *Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg, in the enforcement of regulated navigation areas and safety and security zones.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this Regulated Area is prohibited to all vessels and persons without the prior permission of the Coast Guard Captain of the Port St. Petersburg or his designated representative.

(d) *Enforcement Period.* This rule will only be enforced immediately preceding and following a detonation within the regulated area. Coast Guard Sector St. Petersburg will give notice of the enforcement of the regulated area by issuing a Broadcast Notice to Mariners beginning 24 to 48 hours prior to beginning the operation. On-scene notice will be provided by local Coast Guard and local law enforcement marine units enforcing the regulated area.

(e) *Dates.* This rule is effective from 7 a.m. on July 10, 2006 through 7 p.m. on September 15, 2006.

Dated: July 10, 2006.

J. A. Servidio,

Captain, U.S. Coast Guard, Captain of the Port, St Petersburg, Florida.

[FR Doc. E6–11486 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–06–117]

RIN 1625–AA00

Safety Zone; Great Lakes Water Sport Expo, Buffalo Outer Harbor, Buffalo, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters of the Buffalo Outer Harbor during the Great Lakes Water Sport Expo on July 30, 2006. This safety zone is necessary to ensure the safety of participants and vessels from the hazards associated with an open water swim. This safety zone is intended to restrict vessel traffic from a portion of the Buffalo Outer Harbor, Buffalo, New York.

DATES: This rule will be effective from 8 a.m. (local) until 10 a.m. (local) on July 30, 2006.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [CGD09–06–117] and are available for inspection or copying at: U.S. Coast Guard Sector Buffalo, 1 Fuhrmann Blvd., Buffalo, New York 14203, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Tracy Wirth, U.S. Coast Guard Sector Buffalo, at (716) 843–9573.

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. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date.

Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of participants and vessels during this event, and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

Background and Purpose

Temporary safety zones are necessary to ensure the safety of participants and vessels from the hazards associated with an open water swim. Based on recent accidents that have occurred in other Captain of the Port zones, the Captain of the Port Buffalo has determined open water swims in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels and congested waterways could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the open water swim will help ensure the safety of persons and property at these events and help minimize the associated risk.

Discussion of Rule

A temporary safety zone is necessary to ensure the safety of participants and vessels during the open water swim in conjunction with the Great Lakes Water Sport Expo. The open water swim will occur between 8 a.m. (local) and 10 a.m. (local) on July 30, 2006.

The safety zone consists of all navigable waters of the Buffalo Outer Harbor, bound within 42°50′39″ N, 078°51′39″ W, extending southwest to 42°50′31″ N, 078°52′18″ W, then southeast to point 42°50′22″ N, 078°52′12″ W, extending northeast to point 42°50′36″ N, 078°51′32″ W then extending back to point of origin in Buffalo, NY. All geographic coordinates are North American Datum of 1983 (NAD 83). The size of this zone was determined using the size of the proposed swim course and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. The Captain of the Port of Buffalo, or his designated on-scene representative, has the authority to terminate the event. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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.

This determination is based on the minimal time that vessels will be restricted from the zone and the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant 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 would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of the Buffalo Outer Harbor during the activated safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect for a very limited duration from 8 a.m. (local) until 10 a.m. (local) on the day of the event. Vessel traffic can safely pass outside the safety zone during the event.

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 this rule so that they can better evaluate its effects and participate in the rulemaking process.

Small businesses may send comments on 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 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 would 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

The Coast Guard has 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 concern 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs 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 procedure; and related management system 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, and Department of Homeland Security Management Directive 5100.1, which guide 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)(g), of the Instruction, from further environmental documentation. This event establishes a safety zone therefore paragraph (34)(g) of the Instruction applies.

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

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. A new temporary § 165.T09–117 is added to read as follows:

§ 165.T09–117 Safety Zone; Great Lakes Water Sport Expo, Buffalo Outer Harbor, Buffalo, NY.

(a) *Location.* The following area is a temporary safety zone: all navigable waters of the Buffalo Outer Harbor, bound within 42°50′39″ N, 078°51′39″ W, extending south-west to 42°50′31″ N, 078°52′18″ W, then south-east to point 42°50′22″ N, 078°52′12″ W, extending north-east to point 42°50′36″ N, 078°51′32″ W then extending back to point of origin in Buffalo, NY. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective time and date.* This section is effective from 8 a.m. (local) until 10 a.m. (local) on July 30, 2006.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''designated on-scene representative'' of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The designated on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his designated on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given to them by the Captain of the Port Buffalo or his designated on-scene representative.

Dated: July 10, 2006.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port Buffalo, Sector Buffalo.

[FR Doc. E6–11374 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2006–0009, FRL–8187–6]

Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving State Implementation Plan (SIP) revisions submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and update the citations and references to federal documents and addresses where copies of documents can be obtained, and delete three definitions. The intended effect of this action is to make federally enforceable those provisions that EPA is approving. This action is being taken under section 110 of the Clean Air Act.

DATES: This rule is effective on September 18, 2006 without further notice, unless EPA receives adverse comment by August 18, 2006. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2006–0009, by one of the following methods:

- *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- E-mail: *long.richard@epa.gov* and *ostrand.laurie@epa.gov*.
- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 200, Denver, Colorado 80202–2466.
- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2006–0009. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information

about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. For additional instructions on submitting comments, go to section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Laurie Ostrand, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 200, Denver, Colorado 80202–2466, (303) 312–6437, *ostrand.laurie@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. General Information
II. Background
III. EPA's Review of the State of Montana's October 25, 2005 Submittal
IV. Final Action
V. Statutory and Executive Order Reviews

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *Montana* mean the State of Montana, unless the context indicates otherwise.

I. General Information

A. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *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.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

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

b. 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.

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

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

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

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

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

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

II. Background

On October 25, 2005, the Governor submitted a SIP revision that contains amendments to the following sections of the Administrative Rules of Montana (ARM) 17.8.102, 17.8.103, 17.8.302, 17.8.602, 17.8.767, 17.8.802, 17.8.902, 17.8.1002, and 17.8.1102. The amendments update citations and references to Federal documents and addresses where copies of documents can be obtained. The Board of Environmental Review adopted these amendments on June 3, 2005 and they became effective on June 17, 2005. Additionally, the October 2005 submittal deletes the definition of ''public nuisance'' from Sub-Chapter 1 and the definitions of ''animal matter'' and ''reduction'' from Sub-Chapter 3. The Board of Environmental Review rescinded the definitions on May 18, 2001 and the rescission became effective on June 8, 2001.

III. EPA's Review of the State of Montana's October 25, 2005 Submittal

A. Revisions to the Administrative Rules of Montana Adopted June 3, 2005 and Effective June 17, 2005

1. Changes to Sub-Chapter 1—General Provisions

a. Review of changes to ARM 17.8.102—Incorporation by Reference—Publication Dates. The state is updating the reference to the United States Code, and the dates of the Code of Federal Regulations and other state rules that are referenced. We are approving ARM 17.8.102 as in effect on June 17, 2005.

b. Review of changes to ARM 17.8.103—Incorporation by Reference and Availability of Referenced Documents. The state is amending ARM 17.8.103(3) and (4) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.103(3) and (4) as in effect on June 17, 2005.

2. Changes to Sub-Chapter 3—Emission Standards

a. Review of changes to ARM 17.8.302—Incorporation by Reference. The state is making minor changes to ARM 17.8.302(2) and amending ARM 17.8.302(3) and (4) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.302(2), (3) and (4) as in effect on June 17, 2005.

3. Changes to Sub-Chapter 6—Open Burning

a. Review of changes to ARM 17.8.602—Incorporation by Reference. The state is making minor changes to ARM 17.8.602(2) and amending ARM 17.8.602(3) and (4) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.602(2), (3) and (4) as in effect on June 17, 2005.

4. Changes to Sub-Chapter 7—Permit, Construction and Operation of Air Contaminant Sources

a. Review if changes to ARM 17.8.767—Incorporation by Reference. EPA will address these revisions in a separate action with other revisions to Sub-Chapter 7 submitted previously.

5. Changes to Sub-Chapter 8—Prevention of Significant Deterioration of Air Quality

a. Review of changes to ARM 17.8.802—Incorporation by Reference. The state is making minor changes to ARM 17.8.802(2) and amending ARM 17.8.802(3), (4) and (5) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.802(2), (3), (4) and (5) as in effect on June 17, 2005.

6. Changes to Sub-Chapter 9—Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Nonattainment Areas

a. Review of changes to ARM 17.8.902—Incorporation by Reference. The state is making minor changes to ARM 17.8.902(2) and amending ARM 17.8.902(3), (4) and (5) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.902(2), (3), (4) and (5) as in effect on June 17, 2005.

7. Changes to Sub-Chapter 10—Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Attainment or Unclassified Areas

a. Review of changes to ARM 17.8.1002—Incorporation by Reference. The state is making minor changes to ARM 17.8.1002(2) and amending ARM 17.8.1002(3), (4) and (5) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.1002(2), (3), (4) and (5) as in effect on June 17, 2005.

8. Changes to Sub-Chapter 11—Visibility Impact Assessment

a. Review of changes to ARM 17.8.1102—Incorporation by Reference. The state is making minor changes to ARM 17.8.1102(2) and amending ARM 17.8.1102(3) and (4) to update the addresses for obtaining copies of documents referenced in the rule. We are approving ARM 17.8.1102(2), (3) and (4) as in effect on June 17, 2005.

B. Deletion of Definitions from the Administrative Rules of Montana Rescinded May 18, 2001 and Effective June 8, 2001

1. Changes to Sub-Chapter 1—General Provisions

a. Review of changes to ARM 17.8.101—Definitions. The state is deleting the definition of ''public nuisance.'' At the same time the state deleted its non-SIP approved odor rule they also deleted several definitions of terms that were included in the odor rule. Although the term ''public nuisance'' is used on two other air quality rules the state intends for the statutory definition to apply to these rules. We are approving the removal of the definition of ''public nuisance'' effective on June 8, 2001.

2. Changes to Sub-Chapter 3—Emission Standards

a. Review of changes to ARM 17.8.301—Definitions. The state is deleting the definitions of ''animal matter'' and ''reduction.'' At the same time the state deleted its non-SIP approved odor rule they also deleted several definitions of terms that were included in the odor rule. The term ''animal matter'' is not used in any other air quality rules. The term ''reduction'' is used in other air quality rules, however, in the other rules its meaning is different than that contained in the definition being deleted. The state intends the term ''reduction'' to have the meaning indicated by the particular context of each rule. We are approving the removal of the definitions for ''animal matter'' and ''reduction'' effective on June 8, 2001.

IV. Final Action

EPA is approving the following changes to the ARM that were submitted on October 25, 2005 and effective on June 17, 2005: ARM 17.8.102(1), 17.8.103(3) and (4); 17.8.302(2), (3) and (4); 17.8.602(2), (3) and (4); 17.8.802(2), (3), (4) and (5); 17.8.902(2), (3), (4) and (5); 17.8.1002(2), (3), (4) and (5); and 17.8.1102(2), (3) and (4).

EPA is approving the deletion of the following definitions from the ARM that were submitted on October 25, 2005 and effective on June 8, 2001: ''public nuisance'' in Sub-Chapter 1 and ''animal matter'' and ''reduction'' in Sub-Chapter 3.

EPA is not acting on the following changes to the ARM that were submitted on October 25, 2005 and effective on June 17, 2005: ARM 17.8.767(1), (2), (3) and (4). These revisions will be addressed in a separate action.

Section 110(l) of the Clean Air Act states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of the NAAQS or any other applicable requirements of the Act. The Montana SIP revisions that are the subject of this document do not interfere with the maintenance of the NAAQS or any other applicable requirement of the Act. The October 25, 2005 submittal merely makes administrative amendments to the State's Administrative Rules of Montana. Therefore, section 110(l) requirements are satisfied.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments; we are merely approving administrative changes to Montana's air rules. 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 SIP revision if adverse comments are filed. This rule will be effective September 18, 2006 without further notice unless the Agency receives adverse comments by August 18, 2006. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA 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 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.

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

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 September 18, 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 52

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

Dated: June 13, 2006.

Andrew M. Gaydosh,

Acting Regional Administrator, Region 8.

■ 40 CFR part 52 is amended to read as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart BB—Montana

■ 2. Section 52.1370 is amended by adding paragraph (c)(64) to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(64) Revisions to State Implementation Plan were submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and: update the citations and references to federal documents and addresses where copies of documents can be obtained; and delete the definition of ''public nuisance'' from Sub-Chapter 1 and the definitions of ''animal matter'' and ''reduction'' from Sub-Chapter 3.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.102(1), 17.8.103(3) and (4); 17.8.302(2), (3) and (4); 17.8.602(2), (3) and (4); .17.8.802(2), (3), (4) and (5); 17.8.902(2), (3), (4) and (5); 17.8.1002(2), (3), (4) and (5); and 17.8.1102(2), (3) and (4), effective June 17, 2005.

[FR Doc. E6–11344 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

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

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: *Effective Dates:* The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 29472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

■ Accordingly, 44 CFR Part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) ♦Elevation in feet (NAVD)	Communities affected
Faulkner County, Arkansas and Incorporated Areas (FEMA Docket No. P–7689)		
Gold Creek (South):		
Approximately 1,050 feet downstream of Sturges Road	♦273	City of Conway.
Approximately 2,700 feet upstream of Wasson Road	♦323	
Middle Fork Cypress Bayou:		
At the confluence with Cypress Bayou	♦288	City of Vilonia Faulkner County (Unincorprated Areas).
Approximately 440 feet upstream of Marshall Road	♦319	
North Fork Cypress Bayou:		
At confluence with Cypress Bayou	♦288	City of Vilonia Faulkner County (Unincorpoated Areas).
Approximately 730 feet upstream of North Marshall Road	♦329	
Palarm Creek:		
At State Highway 286	♦276	Faulkner County (Unincorpoated Areas).
Approximately 4,180 feet upstream of State Highway 36	♦318	
South Fork Cypress Bayou:		
At confluence with Cypress Bayou	♦288	City of Vilonia Faulkner County (Unincorpoated Areas).
Approximately 115 feet upstream of Church Street	♦320	
Warren Creek:		
At confluence with Palarm Creek	♦276	Faulkner County (Unincorpoated Areas).
Approximately 530 feet upstream of Lower Ridge Road	♦312	

ADDRESSES

City of Conway, Faulkner County, Arkansas:

Maps are available for inspection at the City of Conway, 100 East Robins, Conway, Arkansas.

Faulkner County (Unincorporated Areas):

Maps are available for inspection at Faulkner County Emergency Management, 801 Locust Street, Conway, Arkansas.

City of Vilonia, Faulkner County, Arkansas:

Maps are available for inspection at Vilonia City Hall, 1113 Main Street, Vilonia, Arkansas.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 7, 2006.

David I. Maurstad,

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

[FR Doc. E6–11393 Filed 7–18–06; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–1406; MB Docket No. 05–139; RM–11218]

Radio Broadcasting Services; Americus and Emporia, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Dana J. Puopolo, allots Channel 240A at Americus, Kansas, as the community's first local FM service. In order to accommodate that allotment, the Audio Division also substitutes Channel 244A for Channel 241A at Emporia, Kansas, and modifies the license of Station KANS(FM) to specify operation on Channel 244A at Emporia, Kansas. Channel 240A can be allotted at Americus, Kansas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.5 km (7.8 miles) southwest of Americus. The coordinates for Channel 240A at Americus, Kansas, are 38–25–13 North Latitude and 96–21–12 West Longitude. Channel 244A can be substituted for Channel 241A at the current transmitter location for Station KANS(FM): 38–24–21 North Latitude and 96–14–13 West Longitude, with a site location of 4.9 km (3.0 miles) west of Emporia.

DATES: Effective August 21, 2006.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05–139, adopted July 5, 2006, and released July 7, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com*. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Section 73.202(b), the Table of FM Allotments under Kansas, is amended by adding Americus, Channel 240A, by removing Channel 241A and by adding Channel 244A at Emporia.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–11467 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–1407; MB Docket No. 02–266; RM–10557]

Radio Broadcasting Services; Chillicothe, Dublin, Hillsboro, and Marion, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: The staff denied a petition for reconsideration filed by the Committee for Competitive Columbus Radio of a *Report and Order* in this proceeding, which had granted a rulemaking petition to reallot, downgrade, and change the communities of license for two Ohio radio stations. The staff determined that the reconsideration petition seeks to raise an argument that was previously rejected in the *Report and Order* and did not demonstrate any errors of fact or law.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* MM Docket No. 02–266, adopted July 5, 2006, and released July 7, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

In the *Report and Order* in this proceeding, the staff approved the reallotment, downgrade, and change of community of license for Station WMRN–FM from Channel 295B at Marion, Ohio to Channel 294B1 at Dublin, Ohio. To accommodate the Station WMRN–FM relocation to Dublin, the staff also granted the reallotment, downgrade, and change of community of license for Station WSRW–FM from Channel 294B at Hillsboro, Ohio, to Channel 293A at Chillicothe, Ohio. *See* 70 FR 19337 (April 13, 2005).

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Memorandum Opinion and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the petition for reconsideration was denied.)

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–11421 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–1295]

Radio Broadcasting Services; Franklin, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: This document denies a Petition for Reconsideration filed by

Calvary of New Orleans directed at the staff letter action dismissing the Petition for Rulemaking requesting the reservation of vacant FM Channel 295C3 at Franklin, Louisiana for noncommercial educational use. With this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* adopted June 21, 2006, and released June 23, 2006. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. The Commission will not send a copy of this *Memorandum Opinion and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the aforementioned petition for reconsideration was denied.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–11055 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 060406098–6169–02; I.D. 020706D]

RIN 0648–AT46

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA

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

ACTION: Final rule.

SUMMARY: NMFS, upon application from the Monterey Bay National Marine Sanctuary (MBNMS or the Sanctuary), is issuing regulations to govern the unintentional takings of small numbers of marine mammals incidental to authorizing professional fireworks displays within the Sanctuary in California waters. Issuance of regulations is required by the Marine Mammal Protection Act (MMPA) when the Secretary of Commerce (Secretary), after notice and opportunity for comment, finds, as here, that such takes will have a negligible impact on the species and stocks of marine mammals and will not have an unmitigable adverse impact on their availability for subsistence uses. These regulations do not authorize MBNMS to permit fireworks displays. These regulations govern the issuance of ''Letters of Authorization'' (LOAs) for the unintentional incidental take of marine mammals in connection with this activity, and prescribe methods of taking and other means of effecting the least practicable adverse impact on marine mammal species and their habitat, and on the availability of the species for subsistence uses. In addition, NMFS, through this final rule, issues mitigation, reporting and monitoring requirements.

In the proposed rule, NMFS referenced and proposed the continued implementation of a document entitled ''MBNMS Fireworks Guidelines'' (Guidelines), which was cooperatively developed by the Sanctuary, NMFS, and the U.S. Fish and Wildlife Service and served as a basis for the mitigation measures described in the proposed rule. These Guidelines also included three specific mitigation measures that NMFS has now included in the final rule.

DATES: Effective from July 4, 2006 through July 3, 2011.

ADDRESSES: A copy of MBNMS' application which contains a list of the references used in this document may be obtained by writing to Steve Leathery, Division of Permits, Conservation, and Education, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226 or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**). The NMFS Administrative Record will be maintained at the above address.

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, Office of Protected Resources, NMFS, (301) 713–2289, ext 166, or Monica DeAngelis, NMFS, Southwest Regional Office, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region. The Secretary will allow an incidental take if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. The permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking shall be prescribed.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as:

> an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except for certain categories of activities not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [''Level A harassment'']; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [''Level B harassment''].

Summary of Request

On May 10, 2002, NMFS received an application from the MBNMS requesting a 1–year Incidental Harassment Authorization (IHA) under section 101(a)(5)(D) and, subsequently, the issuance of regulations governing authorizations for a 5–year period under section 101(a)(5)(A) of the MMPA for the potential harassment of California sea lions (*Zalophus californianus*) and Pacific harbor seals (*Phoca vitulina*) incidental to coastal fireworks displays conducted at MBNMS under Authorizations issued by MBNMS to local governments, civic organizations, and commercial companies. On July 4, 2005, NMFS issued an IHA to MBNMS (70 FR 39235, July 7, 2005) and that IHA expires on July 3, 2006.

Specified Activities

Since 1993, the MBNMS, a component of NOAA, has processed requests for the professional display of fireworks that affect the Sanctuary. The MBNMS has determined that debris fallout (spent pyrotechnic materials) from fireworks events may constitute a discharge into the Sanctuary and thus violate Sanctuary regulations, unless an Authorization is issued by the Sanctuary. Therefore, sponsors of fireworks displays conducted in the MBNMS are required to obtain Sanctuary Authorization prior to conducting such displays (see 15 CFR 922.132).

The MBNMS has issued 67 Authorizations for professional fireworks displays since 1993 (five in 2005) and 5 applications are currently being processed (as of March 2006). Four fireworks display applications have been directed to areas outside the Sanctuary. However, the MBNMS staff projects that as many as 20 coastal displays per year may be conducted in, or adjacent to, MBNMS boundaries in the future. The number of displays will be limited to no more than 20 events per year in four specific areas along 276 mi (444 km) of coastline. Fireworks displays will not exceed 30 minutes (with the exception of up to two displays per year, not to exceed 1 hour) in duration and will occur with an average frequency of less than or equal to once every two months within each of the four prescribed display areas.

Initially, the MBNMS believed that it could minimize potential light, sound, and debris impacts to the Sanctuary and marine mammals through Authorization conditions to limit the location, timing, and composition of professional fireworks events affecting the MBNMS. However, due to observations over the past several years and through consultation with NMFS' Southwest Region, it appears that some fireworks displays resulted in incidental take of marine mammals by Level B harassment. NMFS believes that the nature of the take will be the short-term flushing and evacuation of non-breeding haulout sites by California sea lions and Pacific harbor seals.

A detailed description of the types of effects used in the MBNMS fireworks displays and the areas within the Sanctuary where fireworks will be authorized under this final rule was included in the proposed rule (71 FR 25544, May 1, 2006) and may be found in the application or in MBNMS' 2001 Assessment of Pyrotechnic Displays and Impacts Within the MBNMS, which are available at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

Marine Mammals Potentially Affected by the Activity

Twenty-six species of marine mammals may be found in the Monterey Bay area (see Table 1 in the MBNMS application), however, the only species likely to be harassed by the fireworks displays are the California sea lion and the Pacific harbor seal. Detailed information regarding the status of these species was provided in the proposed rule (71 FR 25544, May 1, 2006) and additional information can be found in Folkens' Guide to the Marine Mammals of the World (2002) and in the NMFS stock assessments on the NMFS website: *http://www.nmfs.noaa.gov/pr/PR2/Stock__Assessment__Program/individual__sars.html*.

Potential Effects on Marine Mammals

The primary causes of disturbance of marine mammals from fireworks are sound effects and light flashes. A discussion of the potential effects to marine mammals from loud noises, including physical impairment, temporary or permanent hearing threshold shift, and behavioral disturbance was included in the proposed rule (71 FR 25544, May 1, 2006). Also included in the proposed rule was an analysis of non-acoustic effects from fireworks, including chemical residue, debris, and increased boat traffic. The potential effects discussed in the proposed rule are the same as those that would occur under the final rule.

MBNMS staff have been opportunistically monitoring sea lions at the City of Monterey's Fouth of July celebration for more than 10 years. Their general observations may be summarized as follows: sea lions begin leaving the breakwater as soon as the fireworks begin, clear completely off after an aerial salute or quick succession of loud effects, usually begin returning within a few hours of the end of the display, and are present on the breakwater at pre-firework numbers by the following morning.

NMFS anticipates that fireworks will result in short-term behavioral disturbance of pinnipeds in the form of temporary displacement from haulouts in the vicinity of the fireworks. NMFS does not expect these activities to result in the injury of any marine mammals.

Comments and Responses

On May 1, 2006 (71 FR 25544), NMFS published a notice of proposed rulemaking on MBNMS's request to take marine mammals incidental to authorizing fireworks in the Sanctuary and requested comments, information and suggestions concerning the request. During the 30–day public comment period, NMFS received one comment from the public.

Comment: The commenter both objected to the harrassment of marine mammals in the MBNMS and opposed any fireworks displays within or near the Sanctuary. The commenter suggested that a sanctuary should be exactly that – a sanctuary, where animals can be safe and protected from human harrasment, including the noise and chemicals involved with fireworks.

Response: The National Marine Sanctuaries Act requires NOAA to facilitate all public and private uses of marine sanctuary resources to the extent compatible with the primary objective of resource protection. National marine sanctuaries are designated for conservation purposes as well as cultural benefits. The Monterey Bay National Marine Sanctuary (MBNMS) spans one quarter of California's coastline and borders several active coastal communities, thus NOAA must regularly manage potential impacts of human activities within the Sanctuary. Marine fireworks displays have been a frequent component of California coastal community celebrations for decades prior to Sanctuary designation. NOAA has assessed the wildlife disturbance factors and chemical impacts of fireworks displays within the MBNMS for several years, and believes that such activities, if properly managed, can be conducted in a manner that will have no more than negligible short-term adverse effects upon the resources of the Sanctuary. NOAA continues to monitor this activity and will adjust current management strategies to safeguard marine resources and qualities should new information reveal that fireworks are harming the marine environment or living resources of the Sanctuary.

Mitigation

NMFS has collaborated with the MBNMS and USFWS since 2001 to develop conservation measures that minimize fireworks impacts on protected species and the marine environment within the MBNMS by defining the locations, frequency, and conditions under which the MBNMS can authorize marine fireworks displays.

The mitigation measures can be grouped into five broad approaches for managing fireworks displays and will be implemented by the MBNMS:

(1) *Limit displays to certain seasons to safeguard reproductive periods:* This

regulation does not authorize fireworks events between March 1 and June 30 of any year, since this period is the primary reproductive season for many marine species.

(2) *Establish four conditional display areas:* Traditional fireworks display areas within the MBNMS are located adjacent to urban centers where wildlife has often acclimated to human disturbances, such as low-flying aircraft, emergency vehicles, unleashed pets, beach combing, recreational and commercial fishing, surfing, swimming, boating, and personal watercraft operations. This regulation only authorizes fireworks displays in four prescribed areas of the Sanctuary. The conditional display areas (described in detail in the proposed rule, 71 FR 25544, May 1, 2006) are located at Half Moon Bay, the Santa Cruz/Soquel area, the northeastern Monterey Peninsula, and Cambria (Santa Rosa Creek).

(3) *Create a per-annum limit on the number of displays allowed in each display area:* If properly managed, a limited number of fireworks displays conducted in areas already heavily impacted by human activity can occur with sufficient safeguards to prevent any long-term or chronic impacts upon local natural resources. This regulation authorizes no more than 20 displays along the entire Sanctuary coastline in order to prevent cumulative negative environmental effects from fireworks proliferation. Additionally, displays will be authorized at an average frequency equal to or less than 1 every 2 months in each conditional display area.

(4) *Retain Authorization requirements and general and special restrictions for each event:* Fireworks displays will not exceed 30 minutes with the exception of two longer displays per year that will not exceed 1 hour. The Sanctuary will continue to assess displays on a case-by-case basis, using specially developed terms and conditions to address concerns unique to fireworks displays (e.g., restricting the number of aerial ''salute'' effects used as well as requiring a ''ramp-up'', wherein ''salutes'' are not allowed in the first 5 minutes of the display; requiring the removal of plastic and aluminum labels and wrappings; and requiring post-show reporting and cleanup). Such terms and conditions have evolved over 12 years, as the Sanctuary has sought to improve its understanding of the potential impacts that fireworks displays have upon marine wildlife and the environment. The MBNMS will implement general and special restrictions unique to each fireworks event as necessary.

(5) *Institute a 5–year Authorization system for annual displays:* The Sanctuary intends to institute a 5–year Authorization system for fireworks displays that occur annually at fixed locations in a consistent manner, such as municipal Independence Day shows. Authorizations will include special conditions that mitigate negative impacts upon species and habitat from fireworks displays, such as the requirement for authorization holders to clean up debris following each event. Authorizations for fireworks displays will not be valid unless current LOAs have been issued by NMFS for unintentional harassment incidental to the displays.

The above conservation measures are designed to prevent an incremental proliferation of fireworks displays and disturbance throughout the Sanctuary and minimize area of impact by authorizing displays in primary traditional use areas. They also place multiple special conditions on the displays and allow fireworks displays only during seasons that avoid sensitive wildlife breeding cycles. These measures and MBNMS Authorization conditions assure that protected species and habitats are not jeopardized by fireworks activities. They have been well received by local fireworks sponsors who have pledged their cooperation in protecting Sanctuary resources.

Monitoring

The Sanctuary shall conduct a visual census of the Monterey Breakwater and Harbor Rocks on July 4–5, 2007, to update annual abundance, demographic response patterns, and departure and return rates for California sea lions and harbor seals relative to the July 4 fireworks display. Data will be collected by an observer aboard a kayak or small boat and from ground stations (where appropriate). The observer will use binoculars, counters, and data sheets to count animals. The pre and post fireworks census data will be analyzed to identify any significant temporal changes in abundance and distribution that might be attributed to impacts from the annual fireworks display. The data will also be added to past research statistics on the abundance and distribution of stocks at Monterey Harbor.

It should be noted, however, that annual population trends at any given pinniped haul-out site can be influenced by a myriad of environmental and biological factors, ranging from predation upon pups at distant breeding colonies to fluctuating prey stocks due to El Nino events. These many variables make it difficult to measure and differentiate the potential impact of a single stimulus on long-term population trends.

The Sanctuary also proposes to conduct one-time acoustic monitoring at the 2007 City of Monterey Fourth of July fireworks display in conjunction with the behavioral monitoring described above. The Sanctuary has contracted SRS Technologies (SRS) to conduct the acoustic monitoring. SRS will use two independent systems to monitor the sound environment and to measure fireworks noise. A TEAC model RD–120T digital audio tape recorder (DAT) recorder, a high quality Bruel and Kjaer type 4193 microphone with a type UC0211 low frequency adapter, and type 2669 pre-amplifier will be used and are specifically tailored for recording the low frequency sound associated with impulsive noise sources like explosives. This system records the noise digitally to tape, which allows for detailed post-launch analysis of the frequency content, and the calculation of many other acoustic metrics. The DAT system will record for just over three hours (longer than the fireworks) and the waveforms will be analyzed using custom routines programmed in MatLab. SRS will also use the Larson-Davis model 820 Type 1 sound level meter (SLM) for the acoustic monitoring. The SLM does not make an actual recording of sound, but measures specific sound events that exceed a pre-set minimum sound level, background noise, and ambient noise and then computes acoustical metrics such as the A-weighted SEL, unweighted SEL, and A-weighted peak. Microphones for both pieces of equipment will be mounted approximately 1.2 m (3.9 ft) above ground on tripods and will be covered by extra large windballs to reduce wind noise. Noise systems will be calibrated in the field prior to recording.

In addition to the comprehensive behavioral and acoustic monitoring to be conducted only at the Monterey Breakwater in 2006, MBNMS will require its applicants to conduct a pre-event census of local marine mammal populations within the fireworks impact area of all the fireworks displays authorized. Each applicant will also be required to conduct post-event monitoring in the fireworks impact area to record injured or dead marine mammals, brown pelicans, and other wildlife.

Reporting

MBNMS must submit a draft annual monitoring report to NMFS within 60 days after the conclusion of each calendar year. MBNMS must submit a

final annual monitoring report to the NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final report. In addition, the MBNMS will continue to incorporate updated census data from government and academic surveys into its analysis and will make its information available to other marine mammal researchers upon request. Lastly, MBNMS must submit a draft comprehensive monitoring report to NMFS 120 days prior to the expiration of the regulations if renewal is requested, or 120 days after the expiration of the regulations, if renewal is not requested. MBNMS must submit the final comprehensive monitoring report to NMFS within 30 days after receiving comments from NMFS on the draft comprehensive monitoring report. Again, if no comments are received from NMFS, the draft report will be considered to be the final report.

Numbers of Marine Mammals Expected to be Harassed

As discussed above, the two marine mammal species NMFS believes likely to be taken by Level B harassment incidental to fireworks displays authorized within the Sanctuary are the California sea lion (*Zalophus californianus*) and the Pacific harbor seal (Phoca vitulina richardsi), due to the temporary evacuation of usual and accustomed haul-out sites. Both of these species are protected under the MMPA, and neither is listed under the ESA. Numbers of animals that may be taken by Level B harassment are expected to vary due to factors such as tidal state, seasonality, shifting prey stocks, climatic phenomenon (such as El Nino events), and the number, timing, and location of future displays. The estimated take of sea lions and harbor seals was determined by using a synthesis of information, including data gathered by MBNMS biologists at the specific display sites, results of independent surveys conducted in the MBNMS, and population estimates from surveys covering larger geographic areas. More detailed information regarding the estimates of take of sea lions and harbor seals may be found in the application at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*.

Stage structure of California sea lions within the Sanctuary varies by location, but generally, the majority are adult and sub-adult males. Weise (2000) reported on the stage structure of California sea lions at two historic fireworks display areas within the MBNMS, and speculated that juveniles may haul out at the Monterey jetty in large numbers due to a need for a more protected haul-out location. He also reported that most animals on Ano Nuevo Island appeared to be adult males and suggested that the stage structure may vary between mainland haul-out sites and offshore islands and rocks. At all four designated display sites combined, twenty fireworks events per year could disturb an average total of 2,630 California sea lions, with the maximum being 6,170 animals out of a total estimated population of 237,000–244,000. These numbers are small relative to the population size (1.1–2.6 percent).

For harbor seals, an average of 302 and a maximum of 1,065 harbor out of a total estimated population of 27,836 could be disturbed within the Sanctuary as a result of twenty fireworks events per year at all four designated display sites combined. These numbers are small relative to the population size (1.1–3.8 percent). Nicholson (2000) studied the stage structure of harbor seals on the northeast Monterey Peninsula (an area with the largest single concentration of animals within the Sanctuary) for two years. For the final spring season of the study, survey numbers equate to a stage structure comprising 38 percent adult females, 15 percent adult males, 34 percent sub-adults, and 13 percent yearlings or juveniles.

With the incorporation of mitigation measures required by this final rule and subsequent LOAs, NMFS and the MBNMS believe that the proposed authorized coastal fireworks displays may result in Level B Harassment of pinnipeds hauled out in the area of the fireworks, with no associated injury resulting. NMFS believes that these activities will have a negligible impact on marine mammal species or stocks and their habitats.

Possible Effects of Activities on Marine Mammal Habitat

Impacts on marine mammal habitat are part of the consideration in making a finding of negligible impact on the species and stocks of marine mammals. Habitat includes, but is not necessarily limited to, rookeries, mating grounds, feeding areas, and areas of similar significance. The amount of debris and chemical residue resulting from fireworks displays authorized within the MBNMS is determined by the size and contents of the different fireworks, as well as the wind conditions, weather, and other local variations. Special conditions requiring Authorization holders to clean up the affected area after each fireworks display will be required by the LOAs and Sanctuary Authorizations. No evidence of water quality deterioration has been found in relation to prior MBNMS fireworks displays and the Environmental Assessment for this action discusses the 1992 Walt Disney report, which found that environmental impacts from fireworks decomposition products typically will be negligible in locations that conduct fireworks displays infrequently. Because of the aforementioned mitigation measure and report, NMFS does not expect the debris and residue resulting from authorized fireworks displays to significantly impact marine mammal habitat in the MBNMS.

Possible Effects of Activities on Subsistence Needs

There are no subsistence uses for Pacific harbor seals in California waters, and thus, there are no anticipated effects on subsistence needs.

ESA

As mentioned earlier, the Steller sea lion and several species of federally listed cetaceans may be present at MBNMS at different times of the year and could potentially swim through the fireworks impact area during a display. In a 2001 consultation with MBNMS, the Southwest Region, NMFS, concluded that this action is not likely to adversely affect federally listed species under NMFS' jurisdiction. There is no designated critical habitat in the area. This action will not have effects beyond those analyzed in that consultation.

The USFWS is responsible for regulating the take of the southern sea otter, the brown pelican, and the western snowy plover. The MBNMS consulted with the USFWS pursuant to section 7 of the ESA regarding impacts to these species. The USFWS issued a Biological Opinion on June 22, 2005, which concluded that the authorization of fireworks displays, as proposed, is not likely to jeopardize the continued existence of endangered and threatened species within the Sanctuary or to destroy or adversely modify any listed critical habitat. The USFWS further found that MBNMS would be unlikely to take any southern sea otters, and therefore issued neither an incidental take statement under the ESA nor an IHA. The USFWS found that an incidental take of brown pelicans was possible and issued an incidental take statement containing terms and conditions to protect the species. The USFWS concluded that the authorization of fireworks events, as proposed, is not likely to jeopardize the

continued existence of the western snowy plover or destroy or adversely modify critical habitat of the species.

National Environmental Policy Act

NOAA prepared a Final Environmental Impact Statement and Master Plan for the MBNMS in June 1992; however, this document did not address the authorization of fireworks within the Sanctuary. In 2006, MBNMS and NMFS jointly prepared a Environmental Assessment (EA) on the Issuance of Regulations Authorizing Incidental Take of Marine Mammals and Issuance of National Marine Sanctuary Authorizations for Coastal Commercial Fireworks Displays within the Monterey Bay National Marine Sanctuary. An associated Finding of No Significant Impact was issued on June 20, 2006.

Determination

NMFS has determined that the fireworks displays, as described in this document and in the application for regulations and subsequent LOAs, will result in no more than Level B harassment of small numbers of California sea lions and harbor seals. The effects of coastal fireworks displays will be limited to short term and localized changes in behavior, including temporarily vacating haulouts to avoid the sight and sound of commercial fireworks. NMFS has also determined that any takes will have a negligible impact on the affected species and stocks. No take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document. Additionally, the MBNMS fireworks displays will not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence use, as there are no subsistence uses for California sea lions or Pacific harbor seals in California waters.

Classification

The MMPA provides for a moratorium on the take of marine mammals, unless the take is permitted pursuant to certain enumerated exceptions. The Secretary of Commerce may, upon request, allow for the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock, if he determines that the harassment will have a negligible impact on such species or population stock and will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses pursuant to the MMPA. The National Marine Fisheries Service currently authorizes the Monterey Bay National Marine Sanctuary to take, by level B harassment, certain pinnipeds during the course of fireworks displays held within the Sanctuary. The Sanctuary has been operating under 1–year authorizations for the past year. This final rule would streamline the annual authorization process for a 5–year period. The Sanctuary's current 1–year authorization is set to expire on July 3, 2006. If the final rule is not in effect by that time, the Sanctuary and fireworks display applicants would be prohibited from engaging in fireworks activities for the upcoming July 4 season because they would no longer have an authorization to lawfully take marine mammals and would be liable for marine mammal takes that occur incidental to those activities. Therefore, as this final rule and NMFS's subsequent LOA grant an exemption to the MMPA moratorium on take of marine mammals, the AA for Fisheries finds the 30–day delay in effectiveness does not apply.

The Office of Management and Budget has determined that this final rule is not significant for purposes of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act, the Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Regulatory Flexibility Act requires Federal agencies to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a notice of proposed rulemaking. However, a Federal agency may certify, pursuant to 5 U.S.C. section 605(b), that the action will not have a significant economic impact on a substantial number of small entities. The MBNMS is the entity that will be affected by this rulemaking, not a small governmental jurisdiction, small organization or small business, as defined by the Regulatory Flexibility Act. Any requirements imposed by a Letter of Authorization issued pursuant to these regulations, and any monitoring or reporting requirements imposed by these regulations, will be applicable only to the MBNMS. The MBNMS is part of the National Oceanic and Atmospheric Administration, National Ocean Service, a Federal agency responsible for managing the national marine sanctuary program. Because this action, if adopted, would directly affect the MBNMS and not a small entity, NMFS concludes the action would not result in a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 216

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: June 22, 2006.

Jim Balsiger,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For reasons set forth in the preamble, 50 CFR part 216 is amended as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

■ 1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 2. Subpart J is added to part 216 to read as follows:

Subpart J—Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, California

Sec.

216.110 Specified activity and specified geographical region.
216.111 Effective dates.
216.112 Permissible methods of taking.
216.113 Prohibitions.
216.114 Mitigation.
216.115 Requirements for monitoring and reporting.
216.116 Applications for Letters of Authorization.
216.117 Letters of Authorization.
216.118 Renewal of Letters of Authorization.
216.119 Modifications to Letters of Authorization.

Subpart J—Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA

§ 216.110 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the incidental taking of those marine mammal species specified in paragraph (b) of this section by the MBNMS.

(b) The incidental take, by Level B harassment only, of marine mammals under the activity identified in this section is limited to the following species: California sea lions (*Zalophus californianus*) and Pacific harbor seals (*Phoca vitulina*).

§ 216.111 Effective dates.

Regulations in this subpart are effective from July 4, 2006, through July 3, 2011.

§ 216.112 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §§ 216.106 and 216.117, the Holder of the Letter of Authorization (i.e. the Superintendent of MBNMS) may incidentally, but not intentionally, take marine mammals by Level B harassment only, within the area described in § 216.110(a), provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate Letter of Authorization.

(b) The activities identified in § 216.110(a) must be conducted in a manner that minimizes, to the greatest extent practicable, any adverse impacts on marine mammals and their habitat.

(c) The taking of marine mammals is authorized for the species listed in § 216.110(b) and is limited to the Level B Harassment of no more than 6,170 California sea lions and 1,065 harbor seals annually.

§ 216.113 Prohibitions.

Notwithstanding takings contemplated in § 216.110 and authorized by a Letter of Authorization issued under §§ 216.106 and 216.117, no person in connection with the activities described in § 216.110 may:

(a) Take any marine mammal not specified in § 216.110(b);

(b) Take any marine mammal specified in § 216.110(b) other than by incidental, unintentional Level B harassment;

(c) Take a marine mammal specified in § 216.110(b) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(d) Violate, or fail to comply with, the terms, conditions, and requirements of these regulations or a Letter of Authorization issued under §§ 216.106 and 216.117.

§ 216.114 Mitigation.

(a) The activity identified in § 216.110(a) must be conducted in a manner that minimizes, to the greatest extent practicable, adverse impacts on marine mammals and their habitats. When conducting operations identified in § 216.110(a), all the mitigation measures contained in the Letter of Authorization issued under §§ 216.106 and 216.117 must be implemented, including but not limited to:

(1) Limiting the location of the authorized fireworks displays to the four specifically prescribed areas at Half Moon Bay, the Santa Cruz/Soquel area, the northeastern Monterey Peninsula, and Cambria (Santa Rosa Creek);

(2) Limiting the total frequency of authorized fireworks displays to no more than 20 total displays per year and the average frequency to no more than one fireworks display every two months in each of the four conditional display areas;

(3) Limiting the duration of authorized individual fireworks displays to no longer than 30 minutes each, with the exception of two longer shows not to exceed 1 hour;

(4) Prohibiting fireworks displays at MBNMS between March 1 and June 30 of any year; and

(5) Implementing the following special conditions for fireworks when authorizing fireworks displays at the MBNMS:

(i) Delay of aerial ''salute'' effects until five minutes after the commencement of any fireworks display.

(ii) Removal of all plastic labels and wrappings from pyrotechnic devices prior to use.

(iii) Required recovery of all fireworks related debris from the launch site and affected beaches on the evening of the display and again on the morning after.

(b) The mitigation measures that the individuals conducting the fireworks are responsible for shall be included as a requirement in any Authorization the MBNMS issues to the individuals.

§ 216.115 Requirements for monitoring and reporting.

(a) The Holder of the Letter of Authorization issued pursuant to §§ 216.106 and 216.117 for activities described in § 216.110(a) is required to cooperate with the National Marine Fisheries Service (NMFS), and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals. The Holder of the Letter of Authorization must notify the Director, Office of Protected Resources, National Marine Fisheries Service, or designee, by telephone (301–713–2289), within 48 hours if the authorized activity identified in § 216.110(a) is thought to have resulted in the mortality or injury of any marine mammals, or in any take of marine mammals not identified in § 216.110(b).

(b) The Holder of the Letter of Authorization must conduct all monitoring and/or research required under the Letter of Authorization including, but not limited to:

(1) A one-time comprehensive pinniped census at the City of Monterey Fourth of July Celebration in 2007;

(2) A one-time acoustic measurement of the Monterey Fourth of July Celebration in 2007;

(3) Counts of pinnipeds in the impact area prior to all displays at all locations; and

(4) Reporting to NMFS of all marine mammal injury or mortality encountered during debris cleanup the morning after every fireworks display authorized by the Sanctuary.

(c) Unless specified otherwise in the Letter of Authorization, the Holder of the Letter of Authorization must submit a draft annual monitoring report to the Director, Office of Protected Resources, NMFS, no later than 60 days after the conclusion of each calendar year. This report must contain;

(1) An estimate of the number of marine mammals disturbed by the authorized activities,

(2) Results of the monitoring required in § 216.115 (b) and (c) and any additional information required by the Letter of Authorization. A final annual monitoring report must be submitted to the NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final annual monitoring report.

(d) A draft comprehensive monitoring report on all marine mammal monitoring and research conducted during the period of these regulations must be submitted to the Director, Office of Protected Resources, NMFS at least 120 days prior to expiration of these regulations or 120 days after the expiration of these regulations if renewal of the regulations will not be requested. A final comprehensive monitoring report must be submitted to the NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final comprehensive monitoring report.

§ 216.116 Applications for Letters of Authorization.

To incidentally take marine mammals pursuant to these regulations, the U.S. citizen (as defined by § 216.103) conducting the activity identified in § 216.110(a) must apply for and obtain either an initial Letter of Authorization in accordance with §§ 216.117 or a renewal under § 216.118.

§ 216.117 Letters of Authorization.

(a) A Letter of Authorization, unless suspended or revoked, will be valid for a period of time not to exceed the period of validity of this subpart, subject to

annual renewal pursuant to the conditions in § 216.118.

(b) Each Letter of Authorization will set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact on the species, its habitat, and on the availability of the species for subsistence uses (i.e., mitigation); and

(3) Requirements for mitigation, monitoring and reporting.

(c) Issuance and renewal of the Letter of Authorization will be based on a determination that the total number of marine mammals taken by the activity as a whole will have no more than a negligible impact on the affected species or stock of marine mammal(s).

(d) The U.S. Citizen, i.e., the MBNMS, operating under an LOA must clearly describe in any Sanctuary Authorizations issued to the individuals conducting fireworks displays, any requirements of the LOA for which the individuals conducting fireworks are responsible.

§ 216.118 Renewal of Letters of Authorization.

(a) A Letter of Authorization issued under § 216.106 and § 216.117 for the activity identified in § 216.110(a) will be renewed annually upon:

(1) Notification to NMFS that the activity described in the application submitted under § 216.116 will be undertaken and that there will not be a substantial modification to the described work, mitigation or monitoring undertaken during the upcoming 12 months;

(2) Timely receipt of the monitoring reports required under § 216.115(b), and the Letter of Authorization issued under § 216.117, which has been reviewed and accepted by NMFS; and

(3) A determination by the NMFS that the mitigation, monitoring and reporting measures required under § 216.114 and the Letter of Authorization issued under §§ 216.106 and 216.117, were undertaken and will be undertaken during the upcoming annual period of validity of a renewed Letter of Authorization.

(b) If a request for a renewal of a Letter of Authorization issued under §§ 216.106 and 216.118 indicates that a substantial modification to the described work, mitigation or monitoring undertaken during the upcoming season will occur, the NMFS will provide the public a period of 30 days for review and comment on the request. Review and comment on renewals of Letters of Authorization are restricted to:

(1) New cited information and data indicating that the determinations made in this document are in need of reconsideration, and

(2) Proposed changes to the mitigation and monitoring requirements contained in these regulations or in the current Letter of Authorization.

(c) A notice of issuance or denial of a renewal of a Letter of Authorization will be published in the **Federal Register**.

§ 216.119 Modifications to Letters of Authorization.

(a) Except as provided in paragraph (b) of this section, no substantive modification (including withdrawal or suspension) to the Letter of Authorization by NMFS, issued pursuant to §§ 216.106 and 216.117 and subject to the provisions of this subpart shall be made until after notification and an opportunity for public comment has been provided. For purposes of this paragraph, a renewal of a Letter of Authorization under § 216.118, without modification (except for the period of validity), is not considered a substantive modification.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 216.110(b), a Letter of Authorization issued pursuant to §§ 216.106 and 216.117 may be substantively modified without prior notification and an opportunity for public comment. Notification will be published in the **Federal Register** within 30 days subsequent to the action.

[FR Doc. E6–11463 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045–6045–01; I.D. 071306C]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Modification of a closure.

SUMMARY: NMFS is reopening directed fishing for yellowfin sole in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully use the 2006 total allowable catch (TAC) of yellowfin sole in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 19, 2006, through 2400 hrs, A.l.t., December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed the directed fishery for yellowfin sole in the BSAI under § 679.20(d)(1)(iii) on June 19, 2006 (71 FR 35835, June 22, 2006).

NMFS has determined that 1,502 metric tons of yellowfin sole remain in the directed fishing allowance in the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C) and (a)(2)(iii)(D), NMFS is terminating the previous closure and is reopening directed fishing for yellowfin sole by vessels using trawl gear in the BSAI.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of yellowfin sole in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 11, 2006.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 13, 2006.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–6335 Filed 7–14–06; 1:44 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045–6045–01; I.D. 071306D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Modification of a closure.

SUMMARY: NMFS is reopening directed fishing for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to utilize the remaining amount of the 2006 halibut bycatch allowance specified for the trawl Pacific cod fishery category in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 19, 2006, through 2400 hrs, A.l.t., December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 halibut bycatch allowance specified for the trawl Pacific cod fishery category in the BSAI is 1,434 metric tons (mt) as established by the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006). In accordance with § 679.21(e)(7)(v), the directed fishery for Pacific cod by vessels using trawl gear was closed effective 1200 hrs, A.l.t., June 8, 2006 (71 FR 34022, June 13, 2006), because it was determined that the 2006 halibut bycatch allowance specified for the trawl Pacific cod fishery category in the BSAI had been caught.

NMFS determined on July 11, 2006, that 85 mt of halibut remain in the 2006 halibut bycatch allowance specified for the trawl Pacific cod fishery category in the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C) and (a)(2)(iii)(D), NMFS is terminating the previous closure and is reopening directed fishing for Pacific cod by vessels using trawl gear in the BSAI.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of Pacific cod by vessels using trawl gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 11, 2006.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 13, 2006.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–6336 Filed 7–14–06; 1:44 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045–6045–01; I.D. 071406C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2006 Pacific ocean perch total allowable catch (TAC) in the Western Aleutian District of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 15, 2006, through 2400 hrs, A.l.t., December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 Pacific ocean perch TAC in the Western Aleutian District of the BSAI is 4,703 metric tons (mt) as established by the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS, has determined that the 2006 Pacific ocean perch TAC in the Western Aleutian District of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,322 mt, and is setting aside the remaining 381 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed

fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian District of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific ocean perch in the Western Aleutian District of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 13, 2006.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2006.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–6337 Filed 7–14–06; 1:44 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216044–6044–01; I.D. 071406B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pelagic shelf rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2006 total allowable catch (TAC) of pelagic shelf rockfish in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 16, 2006, through 2400 hrs, A.l.t., December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 TAC of pelagic shelf rockfish in the Western Regulatory Area of the GOA is 1,438 metric tons (mt) as established by the 2006 and 2007 harvest specifications for groundfish of the GOA (71 FR 10870, March 3, 2006).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2006 TAC of pelagic shelf rockfish in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,413 mt, and is setting aside the remaining 25 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pelagic shelf rockfish in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pelagic shelf rockfish in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 13, 2006.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2006.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–6338 Filed 7–14–06; 1:44 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216044–6044–01; I.D. 071406D]

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2006 total allowable catch (TAC) of northern rockfish in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 16, 2006, through 2400 hrs, A.l.t., December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 TAC of northern rockfish in the Western Regulatory Area of the GOA is 1,483 metric tons (mt) as established by the 2006 and 2007 harvest specifications for groundfish of the GOA (71 FR 10870, March 3, 2006).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2006 TAC of northern rockfish in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,333 mt, and is setting aside the remaining 150 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of northern rockfish in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 13, 2006.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2006.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 06–6339 Filed 7–14–06; 1:44 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 71, No. 138
Wednesday, July 19, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

RIN 3064–AD06

Penalty for Failure To Timely Pay Assessments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The Federal Deposit Insurance Corporation (''FDIC'') proposes to amend its rule concerning penalties for failure to timely pay assessments in compliance with the Federal Deposit Insurance Reform Act of 2005 (''Reform Act''), which amended provisions of the Federal Deposit Insurance Act (''FDIA''). The revisions generally provide that an insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty of not more than 1 percent of the assessment due for each day the violation continues. The statute provides for an exception if the failure to pay results from a dispute with the FDIC over the amount of the assessment and the institution deposits satisfactory security with the FDIC. A special statutory rule covering assessment amounts of less than $10,000 authorizes penalties up to $100 per day. The FDIC is accorded discretion to compromise, modify or remit any penalty imposed on a finding that good cause prevented timely payment. The FDIC proposes amending its rule concerning late assessment penalties in conformity with these provisions of the Reform Act. The proposed rule would incorporate these statutory provisions into the FDIC's regulations in place of the existing late assessment penalty rule at 12 CFR 308.132(c)(3)(v).

DATES: Comments must be received on or before September 18, 2006.

ADDRESSES: You may submit comments, identified by RIN number by any of the following methods:

- Agency Web site: *http://www.fdic.gov/rules/laws/federal/propose.html.* Follow instructions for submitting comments on the Agency Web site.
- E-mail: *Comments@FDIC.gov.* Include the RIN number in the subject line of the message.
- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- Hand Delivery/Courier: Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All submissions received must include the agency name and RIN for this rulemaking. All comments received will be posted without change to *http://www.fdic.gov/rules/laws/federal/propose.html* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Donna M. Saulnier, Senior Assessment Policy Specialist, DOF, (703) 562–6167; or William V. Farrell, Manager, Assessments Section, DOF, (703) 562–6168; or Christopher Bellotto, Counsel, Legal Division, (202) 898–3801; or Stephen T. Weisweaver, Attorney, Legal Division, (202) 898–6976.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2104(c) of the Reform Act amends section 18(h) of the FDIA, 12 U.S.C. 1828(h).[1] Section 18(h) was added to the FDIA in 1950 subjecting insured banks who fail or refuse to pay any assessment to a penalty of not more than $100 for each day that such a violation continued.[2] Section 18(h) has remained virtually unchanged since its enactment in 1950.[3] The FDIC added the present rule concerning late assessment penalties when it amended 12 CFR 308.132 pursuant to the Debt Collection Improvement Act of 1996 (''DCIA'').[4] *See* 61 FR 57987 (Nov. 12, 1996). The DCIA required the head of each Federal Agency to enact rules adjusting each Civil Money Penalty (''CMP''), under the agency's jurisdiction, by a rate of inflation prescribed in the DCIA. Accordingly, the FDIC added a version of the paragraph presently found at 12 CFR 308.132(c)(3) entitled ''Adjustment of civil money penalties by the rate of inflation pursuant to section 31001(s) of the Debt Collection Improvement Act.'' [5] 61 FR at 57988. The FDIC also added the present rule set forth in 12 CFR 308.132(c)(3)(v) increasing the amount of any CMP that may be assessed pursuant to section 18(h) of the FDIA. The rule increased that amount from the maximum of $100, as stated in section 18(h) of the FDIA, to a maximum of $110 for each day the violation continues. 61 FR at 57989.[6]

The Reform Act contains the first major statutory changes to the late assessment penalty provisions in the FDIA. The FDIC proposes amending its rule concerning late assessment penalties, 12 CFR 308.132(c)(3)(v), to reflect the changes set forth in section 2104(c) of the Reform Act.

II. Description of the Proposal

Section 2104(c) of the Reform Act amends subsection (h) of section 18 of the FDIA, 12 U.S.C. 1828(h), by changing the late assessment penalty from not more than $100 per day to not more than 1 percent of any assessment owed if the amount owed is $10,000 or more at the time the institution fails or refuses to pay the assessment. If the institution owes less than $10,000 at the time the institution fails or refuses to

[1] *See* Federal Deposit Insurance Reform Act of 2005, section 2104(c), Public Law 109–171, 120 Stat. 9, 13.

[2] *See* An Act to Amend the Federal Deposit Insurance Act, section 2, Public Law 797, 64 Stat. 893 (1950).

[3] The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (''FIRREA''), Public Law 101–187, 103 Stat. 187, amended section 18(h) of the FDIA making the provision applicable to ''insured depository institutions'' versus ''insured banks.'' *See* section 201(a), Public Law 101–187.

[4] Public Law 104–134, 110 Stat. 1321–358, 373, amending section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (''Inflation Adjustment Act''), 28 U.S.C. 2461 (2000).

[5] The original version of 12 CFR 308.132(c)(3) applied to violations which occurred after November 12, 1996. However, the DCIA requires an adjustment of CMP's every four years. The provision was updated in 2000 and 2004, and the present version of 12 CFR 308.132(c)(3)(v) by its terms applies to violations that occur after December 31, 2004. The proposed amendment to 12 CFR 308.132(c)(3)(v), however, will apply to violations that occur after the effective date of the Reform Act to avoid retroactive application of this change.

[6] Section 2104(c) of the Reform Act effectively returns the late assessment penalty on assessments of less than $10,000 to the original amount of up to $100. The Inflation Adjustment Act, *supra* note 4, may require a readjustment of this amount in 2008.

pay the assessment, then the amendment authorizes penalties up to $100 for each day that the violation continues. The Reform Act also provides for an exception if the failure to pay results from a dispute with the FDIC over the amount of the assessment and the institution deposits satisfactory security with the FDIC.

The FDIC proposes to amend its rule concerning late assessment penalties by revising the paragraph presently found at 12 CFR 308.132(c)(3)(v) and replacing the paragraph with the language from section 2104(c) of the Reform Act. The late assessment penalty will change from a maximum of $110 per day to not more than 1 percent of the assessment owed if the institution owes an assessment of $10,000 or more at the time the institution refuses or fails to pay any assessment.[7] Additionally, if the amount the institution fails or refuses to pay is less than $10,000, the rule will authorize penalties up to $100 for each day that the violation continues.

Finally, the proposed rule would adopt the statutory provisions providing for an exception if the failure to pay results from a dispute with the FDIC over the amount of the assessment and the institution deposits satisfactory security with the FDIC. The proposed rule would also adopt the statutory provisions according the FDIC discretion to compromise, modify, or remit any penalty that the FDIC may assess upon a finding that good cause prevented the timely payment of an assessment.

III. Regulatory Analysis and Procedure

A. Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, 113 Stat. 1338, 1471 (Nov. 12, 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. We invite your comments on how to make this proposal easier to understand. *For example:*

- Have we organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the proposed rule clearly stated? If not, how could the rule be more clearly stated?
- Does the proposed rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand? If so, what changes to the format would make the rule easier to understand?
- What else could we do to make the rule easier to understand?

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') requires that each Federal agency either certify that a proposed rule would not, if adopted in final form, have a significant economic impact on a substantial number of small entities or prepare an initial regulatory flexibility analysis of the proposal and publish the analysis for comment. *See* 5 U.S.C. 603, 604, 605. The proposed rule would amend the FDIC's rule concerning late assessment penalties to adopt statutory language enacted by Congress in the Reform Act. The proposed rule would not create any additional economic impact because, if an economic impact exists, the only economic impact results from the language of the statute. Therefore, the proposed rule would not have a significant economic impact on a substantial number of small entities if adopted in final form.

C. Paperwork Reduction Act

No collections of information pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in the proposed rule.

D. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Rules and Policies on Families

The FDIC has determined that the proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Public Law 105–277, 112 Stat. 2681).

List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Claims, Crime, Equal access to justice, Fraud, Investigations, Lawyers, Penalties.

For the reasons set forth in the preamble, the FDIC proposes to amend Subpart H of 12 CFR 308 as follows:

PART 308—RULES OF PRACTICE AND PROCEDURE

1. The authority citation continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1815(e), 1817, 1818, 1820, 1828, 1829, 1829b, 1831i, 1831m(g)(4), 1831o, 1831p–1, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717; 15 U.S.C. 78(h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3 and 78w, 6801(b), 6805(b)(1); 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; Sec. 3100(s), Pub. L. 104–134, 110 Stat. 1321–358.

2. Revise paragraph (c)(3)(v) of section 308.132 as follows:

§ 308.132 Assessment of penalties.

* * * * *

(c) * * *

(3) * * *

(v) *Civil money penalties assessed pursuant to section 18(h) of the FDIA for failure to timely pay assessment*—(A) *In general.* Subject to paragraph (c)(3)(v)(C) of this section, any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount of not more than 1 percent of the amount of the assessment due for each day that such violation continues.

(B) *Exception in case of dispute.* Paragraph (c)(3)(v)(A) of this section shall not apply if—

(*1*) The failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

(*2*) The insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

(C) *Special rule for small assessment amounts.* If the amount of the assessment which an insured depository institution fails or refuses to pay is less than $10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (c)(3)(v)(A) of this section shall not exceed $100 for each day that such violation continues.

(D) *Authority to modify or remit penalty.* The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (c)(3)(v)(A) of this section upon a finding that good cause prevented the timely payment of an assessment.

* * * * *

By order of the Board of Directors.

Dated at Washington, DC, this 11th day of July, 2006.

[7] The FDIC can also initiate a termination of insurance proceeding, pursuant to section 8(a) of the FDIA, 12 U.S.C. 1818(a), when an institution withholds portions of its insurance assessments. *Doolin Security Savings Bank* v. *FDIC,* 53 F.3d 1395, 1408 (4th Cir. 1995).

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. E6–11423 Filed 7–18–06; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25388; Directorate Identifier 2006–NM–086–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes

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 all BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ airplanes equipped with certain hydraulic accumulators. This proposed AD would require inspecting the hydraulic accumulators to identify certain serial numbers, and replacing any affected accumulator with a new or serviceable accumulator. Operators may delay doing the replacement by doing repetitive inspections of the affected hydraulic accumulators for signs of failure (leaking or cracking), and replacing any failed accumulator with a new or serviceable unit. This proposed AD results from a report that one hydraulic accumulator failed in service, which caused the loss of the yellow hydraulic system when the airplane was configured for landing. We are proposing this AD to prevent damage to the pressure skin, failure of certain hydraulic systems, contamination of the cabin with hydraulic mist, increased workload for the flightcrew associated with the loss of one or more hydraulic circuits, and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by August 18, 2006.

ADDRESSES: Use one of the following addresses to submit comments 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.
- 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 British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''FAA–2006–25388; Directorate Identifier 2006–NM–086–AD'' at the beginning 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 that 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 Docket

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

Discussion

We have received reports that an unsafe condition may exist on BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ airplanes that have hydraulic accumulators, part number (P/N) AIR91666–0, –1, and –2, installed. The European Aviation Safety Agency (EASA) advises that the manufacturer identified two batches of defective hydraulic accumulators after one accumulator burst in service, which caused the loss of the yellow hydraulic system when the airplane was configured for landing. The landing was completed without further incident.

The accumulator was found in the hydraulics bay, detached from its mounting, and shrapnel debris had punctured the pressure skin. Metallurgical examination revealed a pre-existing flaw in the accumulator cylinder casing. A second accumulator with a material flaw in the cylinder casing was identified by non-destructive testing during component overhaul. Further investigation showed that a total of 54 accumulators, P/N AIR91666, were manufactured without the required inspection processes being applied to the cylinder casings. Material flaws within the cylinder could cause the unit to burst in service, resulting in damage to the pressure skin and loss of any services supplied by the system that is connected to the failed accumulator. These services include flaps, lift and roll spoilers, rudder, airbrake, landing gear actuators, nose wheel steering, and wheel brakes. This condition, if not corrected, could result in damage to the pressure skin, failure of certain hydraulic systems, contamination of the cabin with hydraulic mist, increased workload for the flightcrew associated with the loss of one or more hydraulic circuits, and consequent reduced controllability of the airplane.

Relevant Service Information

BAE Systems (Operations) Limited has issued Service Bulletin ISB.29–A046, dated March 14, 2006. The service bulletin describes procedures for inspecting to identify specified serial numbers of hydraulic accumulators with P/N AIR91666–0, –1, and –2 in the yellow and green hydraulic systems and, if applicable, the forward airstairs. If any affected serial number is

installed, the service bulletin provides procedures for replacing it before further flight with a new or serviceable unit. A serviceable accumulator is defined as one that is not part of the affected batch, or one on which APPH Service Bulletin AIR91666–29–02, dated March 2006 (described below), has been accomplished. In lieu of replacement, the service bulletin specifies doing the replacement within 135 days provided that operators do repetitive detailed visual inspections for signs of failure (leaks or cracking), and replacing the accumulator with a new or serviceable unit if necessary. The repetitive interval is 48 hours, or before further flight following a report of hydraulic fumes in the cabin air supply, or after a hydraulic fluid low-level warning. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

The EASA mandated Service Bulletin ISB.29–A046, and issued emergency airworthiness directive 2006–0061–E [Corrected], dated March 17, 2006, to ensure the continued airworthiness of these airplanes in the European Union.

The BAE Systems (Operations) Limited service bulletin refers to APPH Service Bulletin AIR91666–29–02, dated March 2006, as an additional source of service information for determining if an accumulator is a serviceable accumulator. The procedures include disassembling the accumulator cylinder and testing it for cracking.

U.S. Type Certification of the Airplane

These airplane models are manufactured in the United Kingdom and are 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. Pursuant to FAA Order 8100.14A, ''Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness,'' dated August 12, 2005, the EASA has kept the FAA informed of the situation described above. We have examined the EASA's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Clarifications of Service Information

Although the BAE Systems (Operations) Limited service bulletin does not specify procedures to follow if more than one affected hydraulic accumulator is found on a single airplane, this proposed AD, in parallel with the EASA airworthiness directive, would allow only one affected hydraulic accumulator to remain in service on the airplane and subject to the proposed repetitive inspections.

The BAE Systems (Operations) Limited service bulletin specifies a detailed visual inspection for signs of leaking. In this proposed AD, we refer to that inspection as a ''detailed inspection.'' We have included a definition of a detailed inspection in Note 2 of this proposed AD.

Although the BAE Systems (Operations) Limited service bulletin specifies replacing the accumulator within 135 days provided that operators do repetitive detailed visual inspections for signs of failure, this proposed AD would require this replacement within 75 days after the effective date of this proposed AD. This compliance time parallels the compliance time for the replacement that is specified in EASA emergency airworthiness directive 2006–0061–E [Corrected].

Changes to 14 CFR Part 39/Effect on the AD Relating to Special Flight Permits

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). This material is included in part 39, except that the office authorized to approve AMOCs is identified in each individual AD. However, as amended, part 39 provides for the FAA to add special requirements for operating an airplane to a repair facility to do the work required by an airworthiness directive. For the purposes of this proposed AD, we have determined that such a special flight permit would be limited before all affected hydraulic actuators are replaced on the airplane. A special flight permit is allowed only if the airplane has not flown more than 5 flight cycles since the last inspection done in accordance with paragraph (g)(2) or (g)(3) of this proposed AD, as applicable; and if the flight can be accomplished in one flight cycle with the airplane unpressurized.

Costs of Compliance

This proposed AD would affect about 42 airplanes of U.S. registry. The proposed inspection to determine the serial number would take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $3,360, or $80 per airplane.

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. 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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. 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 FAA 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket No. FAA–2006–25388; Directorate Identifier 2006–NM–086–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 18, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A series airplanes; and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes; certificated in any category; equipped with hydraulic accumulators part number (P/N) AIR91666–0, –1, or –2 installed.

Unsafe Condition

(d) This AD results from report that one hydraulic accumulator failed in service, which caused the loss of the yellow hydraulic system when the airplane was configured for landing. We are issuing this AD to prevent damage to the pressure skin, failure of certain hydraulic systems, contamination of the cabin with hydraulic mist, increased workload for the flightcrew associated with the loss of one or more hydraulic circuits, and consequent reduced controllability of the airplane.

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.

Inspection To Determine Serial Number

(f) Within 48 hours after the effective date of this AD, inspect all P/N AIR91666–0, –1, and –2 hydraulic accumulators to determine whether any hydraulic accumulator is installed that has a serial number (S/N) identified in paragraph C of the Accomplishment Instructions of BAE Systems (Operations) Limited Service Bulletin ISB.29–A046, dated March 14, 2006. A review of airplane maintenance records is acceptable in lieu of this inspection if the S/N can be conclusively determined from that review.

Replacement or Repetitive Inspections

(g) If any accumulator with an affected S/N is identified during the inspection required by paragraph (f) of this AD, do the action in paragraph (g)(1) or (g)(2) of this AD. Do all actions in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Service Bulletin ISB.29–A046, dated March 14, 2006, except where the service bulletin specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(1) Before further flight: Replace the hydraulic accumulator with a new or serviceable accumulator.

(2) Before further flight: Do a detailed inspection for signs of failure (leaking or cracking) of the hydraulic accumulator, and replace any failed accumulator before further flight. If there is no sign of failure, repeat the inspection thereafter at the applicable interval in paragraph (g)(2)(i) or (g)(2)(ii) of this AD. Within 75 days after the effective date of this AD, replace the affected hydraulic accumulator with a new or serviceable accumulator. Doing the replacement terminates the repetitive inspections.

(i) At intervals not to exceed 48 hours.

(ii) Before further flight following a report of hydraulic fumes in the cabin air supply, or after a hydraulic fluid low-level warning; and thereafter at intervals not to exceed 48 hours.

(h) For airplanes on which more than one affected accumulator is identified during the inspection required by paragraph (f) of this AD: Within 12 days after the effective date of this AD, replace any affected accumulator in accordance with paragraph (g)(1) of this AD so that no more than one accumulator with an affected S/N remains on the airplane; and inspect any remaining accumulator at the applicable interval in paragraph (g)(2) of this AD.

Note 1: BAE Systems (Operations) Limited Service Bulletin ISB.29–A046, dated March 14, 2006, refers to APPH Service Bulletin AIR91666–29–02, dated March 2006, as an additional source of service information for determining if an accumulator is a serviceable accumulator. The procedures include disassembling the accumulator cylinder, and testing it for cracking.

Note 2: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

Parts Installation

(i) Except as provided by paragraph (g)(2) of this AD: As of the effective date of this AD, no hydraulic accumulator having P/N AIR91666–0, –1, or –2 that has an S/N identified in paragraph C of the Accomplishment Instructions of BAE Systems (Operations) Limited Service Bulletin ISB.29–A046, dated March 14, 2006, may be installed on any airplane except for accumulators on which the actions specified in the Accomplishment Instructions of APPH Service Bulletin AIR91666–29–02, dated March 2006, have been done.

Special Flight Permit Limited

(j) Using special flight permits (14 CFR 21.197 and 21.199) before all affected hydraulic actuators are replaced on the airplane is allowed only if the airplane has not flown more than 5 flight cycles since the last inspection done in accordance with paragraph (g)(2) or (h) of this AD, as applicable; and if the flight can be accomplished in one flight cycle with the airplane unpressurized.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(l) EASA emergency airworthiness directive 2006–0061–E [Corrected], dated March 17, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on July 11, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–11415 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25389; Directorate Identifier 2006–NM–059–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330, A340–200, and A340–300 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to all Airbus Model A330, A340–200, and A340–300 series airplanes. The existing AD currently requires repetitive inspections of a certain bracket that attaches the flight deck instrument panel to the airplane structure; replacement of the bracket with a new, improved bracket; and related investigative and corrective actions if necessary. This proposed AD would add a requirement for replacement of the existing bracket with a titanium-reinforced bracket, which would end the repetitive inspections in the existing AD. This proposed AD would also require related investigative and corrective actions while

accomplishing the replacement, and would reduce the applicability in the existing AD. This proposed AD results from a report of cracking damage found on certain brackets that were replaced per the requirements in the existing AD. We are proposing this AD to prevent a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by August 18, 2006.

ADDRESSES: Use one of the following addresses to submit comments 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.
- 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2797; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2006–25389; Directorate Identifier 2006–NM–059–AD'' at the beginning 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 that 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 Docket

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

Discussion

On March 8, 2005, we issued AD 2005–06–08, amendment 39–14016 (70 FR 13345, March 21, 2005), for all Airbus Model A330, A340–200, and A340–300 series airplanes. That AD requires repetitive inspections of a certain bracket that attaches the flight deck instrument panel to the airplane structure; replacement of the bracket with a new, improved bracket; and related investigative and corrective actions if necessary. That AD resulted from reports of cracking of a certain bracket that attaches the flight deck instrument panel to the airplane structure. We issued that AD to detect and correct a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

Actions Since Existing AD Was Issued

Since AD 2005–06–08 was issued, cracking damage found on certain brackets that were replaced per the requirements in the existing AD. In addition, the preamble to AD 2005–06–08 explained that we considered the requirements ''interim action'' and were considering further rulemaking. We now have determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

Relevant Service Information

Airbus has issued Service Bulletins A330–25–3227 and A340–25–4230, both Revision 01, both dated May 3, 2005. (The original issue of the service bulletins was referenced as the appropriate source of service information for accomplishing the actions in the existing AD.) Revision 01 of the service bulletins is essentially the same as the original.

Airbus has also issued new Service Bulletins A330–25–3249 and A340–25–4245, both dated May 3, 2005. The service bulletins describe procedures for replacing the existing bracket that attaches the flight deck instrument panel to the airplane structure with a titanium-reinforced bracket, and related investigative and corrective actions if necessary. The replacement eliminates the need for the repetitive inspections. The related investigative action includes a detailed inspection for cracking of the bracket; the corrective action includes a detailed inspection of the horizontal beam if two lugs are fully broken. The service bulletins recommend contacting Airbus for repair of cracking. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

The European Aviation Safety Agency (EASA) mandated the service information and issued airworthiness directives 2006–0045 and 2006–0047, both dated February 16, 2006, to ensure the continued airworthiness of these airplanes in the European Union.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in France and are 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. As described in FAA Order 8100.14A, ''Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness,'' dated August 12, 2005, the EASA has kept the FAA informed of the situation described above. We have examined the EASA's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2005–06–08 and would retain certain requirements of the existing AD; however, the reporting requirement is no longer necessary and is not retained

in this proposed AD. This proposed AD would also require accomplishing the actions specified in the new service information described previously, except as discussed under ''Differences Between Proposed AD and EASA Airworthiness Directives.''

Differences Between Proposed AD and EASA Airworthiness Directives

The referenced EASA airworthiness directives require contacting Airbus for instructions on how to repair certain conditions. This proposed AD requires repairing those conditions using a method that we or the EASA approve. In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this proposed AD, a repair we or the EASA (or its delegated agent) approve would be acceptable for compliance with this proposed AD.

In addition, the referenced EASA airworthiness directives are not clear regarding the requirement to replace not only brackets having part number (P/N) F2511012920000 but also brackets having P/N F2511012920095 (the P/N for the replacement bracket in the existing AD). We have clarified that brackets with the latter P/Ns must also be replaced with titanium-reinforced brackets having P/N F2511305220096, since both of these brackets are susceptible to eventual cracking damage. Airbus Service Bulletins A330–25–3227 and A340–25–4230 specify replacing brackets having P/N F2511012920000 with brackets having P/N F2511012920095, and both P/Ns are subject to repetitive inspection requirements. The proposed AD clarifies that both P/Ns would be required to be replaced, as specified in paragraph (k) of the new requirements.

Although the referenced EASA airworthiness directives specify the bracket location as ''the left-hand bracket,'' this proposed AD does not include that description. The part numbers for affected brackets are located only on the left-hand side of the cockpit instrument panel; therefore, we have used the term ''certain brackets'' to be consistent with the language used in the existing AD.

Clarification of Alternative Method of Compliance (AMOC) Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Costs of Compliance

This proposed AD would affect about 24 Model A330 series airplanes of U.S. registry.

The inspections that are required by AD 2005–06–08 and retained in this proposed AD take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the currently required actions is $80 per airplane, per inspection cycle.

The new proposed replacement and investigative actions would take about 9 work hours per airplane, at an average labor rate of $80 per work hour. Required parts would cost about $330 per airplane. Based on these figures, the estimated cost of the new actions specified in this proposed AD for U.S. operators is $25,200, or $1,050 per airplane.

There are currently no affected Model A340–200 and –300 series airplanes of U.S. registry. However, if one of these airplanes is imported and put on the U.S. Register in the future, these cost estimates would also apply to those airplanes.

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. 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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. 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 FAA 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14016 (70 FR 13345, March 21, 2005) and adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2006–25389; Directorate Identifier 2006–NM–059–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 18, 2006.

Affected ADs

(b) This AD supersedes AD 2005–06–08.

Applicability

(c) This AD applies to Airbus Model A330, A340–200, and A340–300 series airplanes; certificated in any category; except airplanes on which Airbus Modification 53446 has been incorporated in production.

Unsafe Condition

(d) This AD results from a report of cracking damage found on certain brackets that were replaced to address an unsafe condition. We are issuing this AD to prevent a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

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.

Restatement of Certain Requirements of AD 2005–06–08

Service Bulletin Reference

(f) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Airbus Service Bulletins A330–25–3227 (for Model A330 series airplanes) and A340–25–4230 (for Model A340–200 and –300 series airplanes), both Revision 01, both dated May 3, 2005; as applicable. Accomplishment before the effective date of this AD of Airbus Service Bulletins A330–25–3227 and A340–25–4230, both including Appendix 01; both dated June 17, 2004; as applicable, is an acceptable means of compliance for paragraphs (g), (h), and (i) of this AD.

Initial Inspection

(g) At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, perform a detailed inspection of the bracket having part number (P/N) F2511012920000, which attaches the flight deck instrument panel to airplane structure, in accordance with the service bulletin.

(1) For Model A330 series airplanes: Prior to the accumulation of 16,500 total flight cycles, or within 60 days after April 25, 2005 (the effective date of AD 2005–06–08), whichever is later.

(2) For Model A340–200 and –300 series airplanes: Prior to the accumulation of 9,700 total flight cycles, or within 2,700 flight cycles after April 25, 2005, whichever is later.

Note 1: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

No Cracking/Repetitive Inspections

(h) If no crack is found during the initial inspection required by paragraph (g) of this AD: Repeat the inspection thereafter at the applicable interval specified in paragraph (h)(1) or (h)(2) of this AD, until the replacement specified in paragraph (k) of this AD has been accomplished.

(1) For Model A330 series airplanes: Intervals not to exceed 13,800 flight cycles.

(2) For Model A340–200 and –300 series airplanes: Intervals not to exceed 7,000 flight cycles.

Crack Found/Replacement and Repetitive Inspections

(i) If any crack is found during any inspection required by paragraph (g) or (h) of this AD: Do the actions in paragraphs (i)(1) and (i)(2) of this AD, except as provided by paragraph (j) of this AD, until accomplishment of the replacement required by paragraph (k) of this AD.

(1) Before further flight: Replace the cracked bracket with a new, improved bracket having P/N F2511012920095, in accordance with the service bulletin.

(2) Repeat the inspection of the replaced bracket as required by paragraph (g) of this AD, at the time specified in paragraph (i)(2)(i) or (i)(2)(ii) of this AD. Then, do repetitive inspections or replace the bracket as specified in paragraph (h) or (i) of this AD, as applicable.

(i) For Model A330 series airplanes: Within 16,500 flight cycles after replacing the bracket.

(ii) For Model A340–200 and –300 series airplanes: Within 9,700 flight cycles after replacing the bracket.

(j) If both flanges of a bracket are found broken during any inspection required by this AD: Before further flight, replace the bracket as specified in paragraph (i) of this AD and perform any applicable related investigative and corrective actions (which may include inspections for damage to surrounding structure caused by the broken bracket, and corrective actions for any damage that is found), in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

New Requirements of This AD

Replacement of Brackets/Investigative and Corrective Actions

(k) Except as required by paragraph (i)(1) of this AD: Within 72 months after the effective date of this AD, replace existing brackets having P/N F2511012920000 or P/N F2511012920095 with titanium-reinforced brackets having P/N F2511305220096; and perform any related investigative and corrective actions (which may include detailed inspections for cracking of the bracket or damage to surrounding structure caused by a broken bracket, and applicable corrective actions for any damage that is found); in accordance with the service bulletin. If any crack is found, before further flight, repair in accordance with the service bulletin. Replacement of the affected bracket with a titanium-reinforced bracket having P/N F2511305220096 ends the repetitive inspections required by paragraph (h) or (i) of this AD.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(m) EASA airworthiness directives 2006–0045 and 2006–0047, both dated February 16, 2006, also address the subject of this AD.

Issued in Renton, Washington, on July 11, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–11417 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25391; Directorate Identifier 2006–NM–097–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Fokker Model F.28 Mark 0070 and 0100 airplanes. The existing AD currently requires a one-time inspection of the sliding members in the main landing gear (MLG) for cracking and replacement of the sliding members with serviceable parts if necessary. This proposed AD would require repetitive magnetic particle inspections of the sliding members of the MLG for cracking and corrective actions as necessary. This proposed AD results from inspection findings that have shown repetitive inspections are needed to establish fleet safety. We are proposing this AD to detect and correct fatigue cracking of the sliding member, which could result in possible separation of the MLG from the airplane and consequent reduced controllability of the airplane upon landing and possible injury to passengers.

DATES: We must receive comments on this proposed AD by August 18, 2006.

ADDRESSES: Use one of the following addresses to submit comments 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.

- *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 Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2006–25391; Directorate Identifier 2006–NM–097–AD'' at the beginning 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 that 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 Docket

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

Discussion

On April 1, 2004, we issued AD 2004–08–01, amendment 39–13570 (69 FR 19759, April 14, 2004), for certain Fokker Model F.28 Mark 0070 and 0100 airplanes. That AD requires a one-time inspection of the sliding members of the main landing gear (MLG) for cracking and replacement of the sliding members with serviceable parts if necessary. That AD resulted from a report of the sliding member of the left MLG breaking off during pushback of the airplane from the gate. We issued that AD to prevent fatigue cracking of the sliding member, which could result in possible separation of the MLG from the airplane and consequent reduced controllability of the airplane upon landing and possible injury to passengers.

Actions Since Existing AD Was Issued

Since we issued AD 2004–08–01, the Civil Aviation Authority—The Netherlands (CAA–NL), has notified us that the unsafe condition of that AD may still exist on certain Fokker Model F.28 Mark 0070 and 0100 airplanes. Based on findings from inspections mandated by Dutch airworthiness directive 2002–060, dated April 29, 2002, and Dutch airworthiness directive 2004–046, dated April 20, 2004, the CAA–NL advises that repetitive inspections are needed to establish fleet safety. (The CAA–NL issued Dutch airworthiness directive 2002–060 to address the unsafe condition of AD 2004–08–01 on airplanes in the Netherlands. Subsequently, the CAA–NL also issued Dutch airworthiness directive 2004–046 to require an additional one-time inspection of the sliding members of the MLG for cracking.) Fatigue cracking of the sliding member of the MLG, if not corrected, could result in possible separation of the MLG from the airplane and consequent reduced controllability of the airplane upon landing and possible injury to passengers.

Relevant Service Information

Fokker Services B.V. has issued Service Bulletin SBF100–32–144, dated September 19, 2005. The service bulletin describes procedures for doing repetitive magnetic particle inspections of the sliding members of the left and right MLG for cracking and related investigative action and corrective actions as necessary. The related investigative action is an optional penetrant flaw detection check of a sliding member for cracking, which can be performed to verify the findings of the magnetic particle inspection. The corrective actions include removing any surface damage from the radius and replacing any cracked sliding member with a serviceable part. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The CAA–NL mandated the service information and issued Dutch airworthiness directive NL–2005–012, dated October 17, 2005, to ensure the continued airworthiness of these airplanes in the Netherlands.

Fokker Service Bulletin SBF100–32–144 refers to Messier-Dowty Service Bulletin F100–32–110, dated August 25, 2005, as an additional source of service information for accomplishing the magnetic particle inspection.

Fokker Services B.V. also has issued Service Bulletin SBF100–32–139, dated March 5, 2004. The procedures in Fokker Service Bulletin SBF100–32–139 are essentially the same as those in Fokker Service Bulletin SBF100–32–133, dated April 1, 2002, which we referenced in AD 2004–08–01 as the appropriate source of service information for accomplishing a one-time magnetic inspection. The CAA–NL mandated Fokker Service Bulletin SBF100–32–139 and issued Dutch airworthiness directive 2004–046 to require an additional one-time magnetic inspection of the sliding members of the MLG for cracking. Fokker Service Bulletin SBF100–32–139 refers to Messier-Dowty Service Bulletin F100–32–105, dated March 2, 2004, as an additional source of service information for accomplishing the magnetic inspection.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in the Netherlands and are 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. Pursuant to this bilateral airworthiness agreement, the CAA–NL has kept the FAA informed of the situation described above. We have examined the CAA–NL's findings, evaluated all pertinent information, and determined that AD action is necessary for airplanes of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2004–08–01 and would retain the requirements of the existing AD. This proposed AD would also require

accomplishing the actions specified in service bulletin described previously, except as discussed under ''Differences Among the Proposed AD, Dutch Airworthiness Directive, and Service Bulletin.''

Differences Among the Proposed AD, Dutch Airworthiness Directive, and Service Bulletin

Paragraph (d) of Dutch airworthiness directive NL–2005–012 requires a magnetic inspection of the MLG sliding members before further flight after every high drag load landing. Also, paragraph (e) of Dutch airworthiness directive NL–2005–012 requires an inspection of the MLG sliding members within 50 flight hours after the airplane brakes are applied during backward movement of the airplane. Fokker Service Bulletin SBF–100–32–144 also recommends accomplishing these inspections in paragraphs 1.E.(4) and (5) of the service bulletin. This proposed AD, however, does not require either of those inspections since there is no legal way to track high drag load landings or application of the brakes during backward movement of the airplane. We have coordinated these differences with the CAA–NL.

Change to Existing AD

This proposed AD would retain all requirements of AD 2004–08–01. Since AD 2004–08–01 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 2004–08–01	Corresponding requirement in this proposed AD
paragraph (a)	paragraph (f).
paragraph (b)	paragraph (g).
paragraph (c)	paragraph (h).

Costs of Compliance

This proposed AD would affect about 37 airplanes of U.S. registry.

The inspection that is required by AD 2004–08–01 and retained in this proposed AD takes either about 4 or 12 work hours per airplane, depending on airplane configuration, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the currently required actions is either $320 or $960 per airplane, depending on airplane configuration.

The new proposed inspections would take about 2 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the new inspections specified in this proposed AD for U.S. operators is $5,920, or $160 per airplane, per inspection cycle.

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. 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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. 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 FAA 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–13570 (69 FR 19759, April 14, 2004) and adding the following new airworthiness directive (AD):

Fokker Services B.V.: Docket No. FAA–2006–25391; Directorate Identifier 2006–NM–097–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 18, 2006.

Affected ADs

(b) This AD supersedes AD 2004–08–01.

Applicability

(c) This AD applies to Fokker Model F.28 Mark 0070 and 0100 airplanes, certificated in any category; equipped with any Dowty or Messier-Dowty main landing gear (MLG) listed in Table 1 of this AD.

TABLE 1.—AFFECTED PARTS

MLG Part No. (P/N)—	Equipped with sliding member P/N—
201072011	201072301 or 201072305.
201072012	201072301 or 201072305.
201072013	201072301 or 201072305.
201012014	201072301 or 201072305.
201072015	201072301 or 201072305.
201072016	201072301 or 201072305.

Unsafe Condition

(d) This AD results from inspection findings that have shown repetitive inspections are needed to establish fleet safety. We are issuing this AD to detect and correct fatigue cracking of the sliding member, which could result in possible separation of the MLG from the airplane and consequent reduced controllability of the airplane upon landing and possible injury to passengers.

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.

Requirements of AD 2004–08–01

Inspection and Replacement if Necessary

(f) Within 1,000 flight cycles or six months after May 19, 2004 (the effective date of AD 2004–08–01), whichever occurs first, perform a magnetic inspection of the sliding members of the MLG for cracking, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–133, dated April 1, 2002. If any crack is found during the inspection, before further flight, replace the sliding members with serviceable parts in accordance with the Accomplishment Instructions of the service bulletin.

Note 1: Fokker Service Bulletin SBF100–32–133, dated April 1, 2002, refers to Messier-Dowty Service Bulletin F100–32–103, dated March 11, 2002, as an additional source of service information.

Parts Installation With Accomplishment of New Service Bulletins

(g) As of May 19, 2004, no person may install a sliding member of the MLG, P/N 201072301 or P/N 201072305, on any airplane, unless it has been inspected in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–133, dated April 1, 2002; Fokker Service Bulletin SBF100–32–139, dated March 5, 2004; or Fokker Service Bulletin SBF100–32–144, dated September 19, 2005; and found to be serviceable.

Note 2: Fokker Service Bulletin SBF100–32–139, dated March 5, 2004, refers to Messier-Dowty Service Bulletin F100–32–105, dated March 2, 2004, as an additional source of service information for accomplishing a magnetic inspection.

Note 3: Fokker Service Bulletin SBF100–32–144, dated September 19, 2005, refers to Messier-Dowty Service Bulletin F100–32–110, dated August 25, 2005, as an additional source of service information for accomplishing a magnetic inspection.

Reporting Requirement Difference

(h) Although Fokker Service Bulletin SBF100–32–133, dated April 1, 2002, specifies to submit certain information to the manufacturer, this AD does not include such a requirement.

New Requirements of This AD

Repetitive Inspections

(i) At the later of the compliance times specified in paragraphs (i)(1) and (i)(2) of this AD: Do a magnetic inspection of the sliding members of the left and right MLG for cracking, and do all corrective actions before further flight after the inspection, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–144, dated September 19, 2005. Repeat the inspection thereafter at intervals not to exceed 2,000 flight cycles.

(1) Within 2,000 flight cycles after accomplishing paragraph (f) of this AD.

(2) Within 4 months after the effective date of this AD.

Credit for Fokker Service Bulletin SBF100–32–139

(j) Actions done before the effective date of this AD in accordance with Fokker Service Bulletin SBF100–32–139, dated March 5, 2004, are acceptable for compliance with the corresponding requirements of paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(l) Dutch airworthiness directive NL–2005–012, dated October 17, 2005, also addresses the subject of this AD.

Issued in Renton, Washington, on July 7, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–11416 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25390; Directorate Identifier 2005–NM–224–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Airplanes

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 Boeing Model 767 airplanes. This proposed AD would require repetitive inspections for cracking of the wing skin, and related investigative/corrective actions if necessary. This proposed AD results from reports of cracks found in the lower wing skin originating at the forward tension bolt holes of the aft pitch load fitting. We are proposing this AD to detect and correct such cracking in the lower wing skin for the forward tension bolt holes at the aft pitch load fitting, which could result in a fuel leak and reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by September 5, 2006.

ADDRESSES: Use one of the following addresses to submit comments 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.
- 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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Steven C. Fox, Senior Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6425; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''FAA–2006–25390; Directorate Identifier 2005–NM–224–AD'' at the beginning 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 that 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 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 Docket

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

Discussion

We have received reports indicating that cracks have been found in the lower wing skin, originating at the forward tension bolt holes of the aft pitch load fitting, on several Boeing Model 767–200 series airplanes. The cracks varied in length from 0.04 to 0.63 inch, though none extended through the thickness of the wing skin. Crack initiation has been attributed to skin stresses due to wing bending combined with the high bolt clamp-up load. Cracking at the forward tension bolt holes, common to the aft pitch fitting and backup fitting, is caused by fatigue. Cracking in the lower wing skin for the forward tension bolt holes at the aft pitch load fitting, if not detected and corrected, could result in a fuel leak and reduced structural integrity of the airplane.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin (ASB) 767–57A0097, dated September 29, 2005. The ASB describes procedures for the following:

- Doing external high frequency eddy current (HFEC) or dye penetrant inspections for cracking of the left and right wing surfaces at the aft pitch load fitting, and doing any corrective action as necessary. The corrective action includes reworking the wing surface to remove all indication of cracking in accordance with Part 2 of the Accomplishment Instructions. The service bulletin advises that, if any indication of cracking cannot be completely removed, the corrective action is repairing the cracking with a freeze plug in accordance with Part 3 of the Accomplishment Instructions. If the repair cannot be accomplished within the limits specified in Part 3, the service bulletin advises that the corrective action is to contact the manufacturer for repair instructions.
- Doing an open hole HFEC inspection for cracking and rework (including installing new tension bolts) of the forward tension bolt holes at the aft pitch load fitting, and doing any corrective action as necessary. The corrective action includes oversizing the fastener hole within certain limits. If cracking is outside the limits specified in Part 2 of the Accomplishment Instructions, the service bulletin advises to repair the cracking in accordance with Part 3 of the accomplishment instructions. If repair is necessary outside the limits specified in Part 3, the service bulletin advises that the corrective action is to contact the manufacturer.
- Doing an internal HFEC inspection and external HFEC inspections of the left and right wing surfaces for any cracking; and doing any corrective action as necessary, which includes reworking the wing surface to remove all indication of cracking in accordance with Part 2 of the Accomplishment Instructions. If any indication of cracking cannot be completely removed, the service bulletin advises that the corrective action is repairing the cracking with a freeze plug in accordance with Part 3 of the Accomplishment Instructions. If the repair cannot be accomplished within the limits specified in Part 3 of the Accomplishment Instructions, the corrective action is to contact the manufacturer for repair instructions.

The ASB also specifies certain actions and compliance times for airplanes on which the actions described in the following Boeing Service Bulletins have been accomplished: 767–54–0080, 767–54–0081, or 767–54–0082.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

Related ADs

We have previously issued the following two ADs that require modifying the nacelle strut and wing structure: AD 2000–19–09, amendment 39–11910 (65 FR 58641, October 2, 2000); and AD 2004–16–12, amendment 39–13768 (69 FR 51002, August 17, 2004). Those two ADs reference, as applicable, Boeing Service Bulletins 767–54–0080, Revision 1, dated May 9, 2002; 767–54–0081, dated July 29, 1999; and 767–54–0082, dated October 28, 1999, as appropriate sources of service information.

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 airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the Proposed AD and the ASB.''

Differences Between the Proposed AD and the ASB

The ASB specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Additionally, the ASB is not clear regarding what repair actions should be taken if cracking is found during an inspection accomplished in accordance with Part 1 of the ASB. We have determined that inspections accomplished in accordance with Part 1 of the ASB are intended to find a crack that is long enough to go beyond the edge of the fitting. Since rework specified in Part 2 of the ASB consists of a small oversize of the holes, any cracking found during the Part 1 inspection would be outside the limits of the repairs in Part 2 of the ASB. This proposed AD would require that any cracking found outside the limits of Part 1 of the ASB be repaired in accordance with freeze plug repair specified in Part 3 of the ASB. Any cracking found outside the limits of Part 3 of the ASB must be repaired in accordance with a method approved by the Manager of the Seattle ACO. Boeing has agreed with this clarification.

Operators should also note that, although the Accomplishment Instructions of the referenced service bulletin describe procedures for submitting a report of damage found, this proposed AD would not require that action.

Costs of Compliance

There are about 918 airplanes of the affected design in the worldwide fleet, and about 387 airplanes on the U.S. Registry. The following table provides the estimated costs, at an average labor rate of $80 per hour, for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Fleet cost
Inspection, per inspection cycle (Part 1).	8	None	$640	$247,680.
Inspection, rework, and bolt installation (Part 2).	8	Between $303 and $12,716	Between $943 and $13,356	Between $364,941, and $5,168,772.
Repetitive Inspections for certain airplanes (Part 4).	4	None	$320, per inspection cycle	$123,840, per inspection cycle.

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. 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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. 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 FAA 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2006–25390; Directorate Identifier 2005–NM–224–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by September 5, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 767–57A0097, dated September 29, 2005.

Unsafe Condition

(d) This AD results from reports of cracks found in the lower wing skin originating at the forward tension bolt holes of the aft pitch load fitting. We are issuing this AD to detect and correct such cracking in the lower wing skin for the forward tension bolt holes at the aft pitch load fitting, which could result in a fuel leak and reduced structural integrity of the airplane.

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.

External Inspections of the Wing Skin

(f) For airplanes specified as Group 1, Configuration 1, 2, 3, or 6; Group 2, Configuration 1, 2, 3, or 6; and Group 3, Configuration 1 or 3, as specified in Boeing Alert Service Bulletin (ASB) 767–57A0097, dated September 29, 2005: Prior to the accumulation of 10,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, perform the detailed inspection and the external high frequency eddy current (HFEC) or dye penetrant inspections for cracking as specified in Part 1 of the Accomplishment Instructions of the ASB. Repeat at intervals not to exceed 3,000 flight cycles until the requirements of paragraph (g) or (i) of this AD are accomplished.

Internal Inspections of the Wing Skin

(g) For airplanes specified in paragraphs (g)(1) and (g)(2) of this AD: Perform the bolt open-hole inspections for cracking in accordance with Part 2 of the Accomplishment Instructions of Boeing ASB 767–57A0097, dated September 29, 2005, at the times specified in paragraphs (g)(1) or (g)(2) of this AD, as applicable, until the requirements of paragraphs (h) or (i) of this AD are accomplished.

(1) For airplanes on which the actions specified in Boeing SB 767–54–0080, Revision 1, dated May 9, 2002; 767–54–0081, dated July 29, 1999; or 767–54–0082, dated October 28, 1999, have been accomplished prior to the effective date of this AD: Within 16,500 flight cycles after accomplishment of Boeing SB 767–54–0080, 767–54–0081, or 767–54–0082, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later. Repeat the inspections at intervals not to exceed 16,500 flight cycles.

(2) For airplanes on which the actions specified in Boeing Service Bulletin 767–54–0080, Revision 1, dated May 9, 2002; 767–54–0081, dated July 29, 1999; and 767–54–0082, dated October 28, 1999, have not been accomplished as of the effective date of this AD: Before the accumulation of 20,000 total flight cycles, or within 72 months after the effective date of this AD, whichever occurs later. Repeat the inspections at intervals not to exceed 16,500 flight cycles.

Acceptable Method of Compliance with Paragraph (g) of this AD

(h) For all airplanes, regardless of whether Boeing Service Bulletins 767–54–0080, Revision 1, dated May 9, 2002; 767–54–0081, dated July 29, 1999; or 767–54–0082, dated October 28, 1999, have been accomplished: Accomplishing the inspections specified in Part 1 of the Accomplishment Instructions of Boeing ASB 767–57A0097, dated September 29, 2005, within 3,000 flight cycles after the accomplishment of the most recent inspection done in accordance with paragraph (g) of this AD (Part 2 of the

Accomplishment Instructions of the ASB), and repeating the Part 1 inspections at intervals not to exceed 3,000 flight cycles is an acceptable method of compliance with the repetitive inspection requirements of paragraph (g) of this AD.

Repair of Cracking

(i) If cracking is found during any inspection required by paragraph (f), (g), or (h) of this AD: Before further flight, accomplish the freeze plug repair in accordance with Part 3 of Boeing ASB 767–57A0097, dated September 29, 2005. If any cracking is outside the limits specified in Part 3 of the ASB, before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO). For airplanes on which the repair specified in paragraph (i) of this AD has been accomplished on only one wing, continue the inspections specified by paragraphs (f) and (g) of this AD on the wing on which the repair has not been accomplished, until the freeze plug repair specified in paragraph (i) of this AD has been accomplished on both wings.

Repetitive Inspections Required After Accomplishing Paragraph (i) of this AD

(j) After accomplishment of the requirements of paragraph (i) of this AD, perform the repetitive inspections specified in paragraphs (j)(1) and (j)(2) of this AD at the times specified.

(1) Prior to the accumulation of 37,500 total flight cycles, or within 18 months after accomplishment of the freeze plug repair specified in Part 3 of the Accomplishment Instructions of Boeing ASB 767–57A0097, dated September 29, 2005, whichever occurs later: Accomplish the external inspections specified in Part 1 of the Accomplishment Instructions of Boeing ASB 767–57A0097, dated September 29, 2005. If any cracking is found during any inspection required by this paragraph, before further flight, repair in accordance with a method approved by the Manager, Seattle ACO. Thereafter, repeat the external inspections at intervals not to exceed 3,000 flight cycles.

(2) Prior to the accumulation of 37,500 total flight cycles, or within 72 months after accomplishment of the freeze plug repair specified Part 3 of the Accomplishment Instructions of Boeing ASB 767–57A0097, dated September 29, 2005, whichever occurs later: Perform an internal HFEC for cracking, in accordance with Part 4 of the Accomplishment Instructions of Boeing ASB 767–57A0097, dated September 29, 2005. If any cracking is found during any inspection required by this paragraph, before further flight, repair in accordance with a method approved by the Manager, Seattle ACO. Repeat the inspections at intervals not to exceed 12,000 flight cycles.

Repair of Certain Cracking

(k) If any cracking is found during any inspection required by this AD, and the bulletin specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

No Reporting Requirement

(l) Although Boeing Alert Service Bulletin 767–57A0097, dated September 29, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on July 7, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–11413 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2006–0009, FRL–8187–7]

Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and update the citations and references to Federal documents and addresses where copies of documents can be obtained, and delete three definitions. The intended effect of this action is to make federally enforceable those provisions that EPA is proposing to approve. This action is being taken under section 110 of the Clean Air Act.

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments 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.

DATES: Written comments must be received on or before August 18, 2006.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2006–0009, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- E-mail: *long.richard@epa.gov* and *ostrand.laurie@epa.gov.*
- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 200, Denver, Colorado 80202–2466.
- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instruction on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Laurie Ostrand, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 200, Denver, Colorado 80202–2466, (303) 312–6437, *ostrand.laurie@epa.gov.*

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: June 13, 2006.

Andrew M. Gaydosh,

Acting Regional Administrator, Region 8.

[FR Doc. E6–11345 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2006–0583; FRL–8199–6]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Determination of Attainment for the San Joaquin Valley Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine that the San Joaquin Valley nonattainment area (SJV) in California has attained the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). This proposed determination is based upon monitored air quality data for the PM–10 NAAQS during the years 2003–2005. The SJV continues to attain the PM–10 NAAQS in 2006; no exceedances of the 24 hour NAAQS have been recorded at any of the SJV monitoring sites from January 1, 2006 through March 31, 2006. EPA is also proposing to determine that, because the SJV has attained the PM–10 NAAQS, certain Clean Air Act (CAA or the Act) requirements are not applicable for as long as the SJV continues to attain the PM–10 NAAQS.

DATES: Written comments must be received on or before August 18, 2006.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0583, by one of the following methods:

(1) Federal eRulemaking portal: *http://www.regulations.gov.* Follow the on-line instructions.

(2) E-mail: *lo.doris@epa.gov.*

(3) Mail or deliver: Doris Lo (AIR–2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through the *www.regulations.gov* or e-mail. *www.regulations.gov* is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed directly below.

FOR FURTHER INFORMATION CONTACT: Doris Lo, EPA Region IX, (415) 972–3959, *lo.doris@epa.gov.*

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

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I. Background

A. The NAAQS for PM–10

Particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers (PM–10) is the subject of this action. The NAAQS are limits for certain ambient air pollutants set by EPA to protect public health and welfare. PM–10 is among the ambient air pollutants for which EPA has established a health-based standard.

On July 1, 1987 (52 FR 24634), EPA revised the NAAQS for particulate matter with an indicator that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. The 24-hour primary PM–10 standard is 150 micrograms per cubic meter ($\mu g/m^3$) with no more than one expected exceedance per year. The annual primary PM–10 standard is 50 $\mu g/m^3$ as an annual arithmetic mean. The secondary PM–10 standards, promulgated to protect against adverse welfare effects, are identical to the primary standards. See 40 CFR 50.6.

B. Designation, Classification and Air Quality Planning for PM–10 in the SJV

In 1990, Congress amended the Clean Air Act to address, among other things, continued nonattainment of the PM–10 NAAQS. On the date of enactment of the 1990 Clean Air Act Amendments, PM–10 areas, including the SJV, meeting the qualifications of section 107(d)(4)(B) of the amended Act, were designated nonattainment by operation of law. See 56 FR 11101 (March 15, 1991). EPA codified the boundaries of the SJV at 40 CFR 81.305.[1]

Once an area is designated nonattainment for PM–10, section 188 of the CAA outlines the process for classifying the area and establishes the area's initial attainment deadline. In accordance with section 188(a), at the time of designation, all PM–10 nonattainment areas, including the SJV, were initially classified as moderate nonattainment. On December 24, 1991, California submitted a moderate area PM–10 Plan for the SJV which demonstrated that the area could not attain the PM–10 NAAQS by the moderate area attainment date, December 31, 1994.

Section 188(b)(1) of the Act provides that moderate areas can subsequently be reclassified as serious before the applicable moderate area attainment date if at any time EPA determines that the area cannot ''practicably'' attain the PM–10 NAAQS by that deadline. On January 8, 1993 (58 FR 3337), EPA made such a determination and reclassified the SJV as serious.

On August 19, 2003, the State of California submitted the ''2003 PM–10

[1] The San Joaquin Valley PM–10 nonattainment area includes the following counties in California's central valley: Fresno, western portion of Kern, Kings, Tulare, San Joaquin, Stanislaus, Madera and Merced.

Plan, San Joaquin Valley Plan to Attain Federal Standards for Particulate Matter 10 Microns and Smaller'' and submitted Amendments to that plan on December 30, 2003 (collectively, 2003 PM–10 Plan). The State submitted the 2003 PM–10 Plan to address, among other CAA requirements, those of section 189(d) following EPA's determination that the SJV failed to meet its serious area attainment deadline of December 31, 2001. See 67 FR 48039 (July 23, 2002). On May 26, 2006, EPA approved the 2003 PM–10 Plan except for the section 172(c)(9) contingency measure requirement. The approved elements include emissions inventories as meeting the requirements of 172(c)(3), a demonstration of best available control measures for all significant source categories as meeting the requirements of section 189(b)(1)(B), a demonstration of attainment by December 31, 2010 as meeting the requirements of sections 179(d)(3) and 189(d), and a demonstration of reasonable further progress as meeting the requirements of sections 172(c)(2) and 189(c)(1). A more detailed discussion of the history of air quality planning and the contents of the approved plan can be found in EPA's proposed and final actions at 69 FR 5412 (February 4, 2004) and 69 FR 30006.

C. Attainment Determinations

On May 8, 2006, the State requested that EPA find that the SJV has attained the PM–10 standards based on the area's air quality for 2003–2005. See letter from Catherine Witherspoon, California Air Resources Board (CARB), to Wayne Nastri, EPA Region 9, May 8, 2006 (Witherspoon Letter). Generally, we will determine whether an area's air quality meets the PM–10 NAAQS for purposes of sections 179(c)(1) and 188(b)(2) based upon data gathered at established state and local air monitoring stations (SLAMS) and national air monitoring stations (NAMS) in the nonattainment area and entered into the EPA's Air Quality System (AQS) database. Data from air monitors operated by state/local agencies in compliance with EPA monitoring requirements must be submitted to AQS. Heads of monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in AQS when determining the attainment status of areas. See 40 CFR 50.6; 40 CFR part 50, appendix J; 40 CFR part 53; 40 CFR part 58, appendix A. We will also consider air quality data from other air monitoring stations in the nonattainment area even if they have not been entered into the AQS if the stations meet the federal monitoring requirements for SLAMS. See August 22, 1997 Memorandum ''Agency Policy on the Use of Special Purpose Monitoring Data,'' from John S. Seitz, Director, Office of Air Quality Planning and Standards, to the Regional Air Directors (Seitz Memo). All data are reviewed to determine the area's air quality status in accordance with our guidance at 40 CFR part 50, appendix K.

Attainment of the annual PM–10 standard is achieved when the annual arithmetic mean PM–10 concentration over a three-year period is equal to or less than 50 μg/m^3. Attainment of the 24-hour standard is determined by calculating the expected number of days in a year with PM–10 concentrations greater than 150 μg/m^3. The 24-hour standard is attained when the expected number of days per year with levels above 150 μg/m^3 (averaged over a three-year period) is less than or equal to one. Three consecutive years of air quality data are necessary to show attainment of the 24-hour and annual standards for PM–10. See 40 CFR part 50, appendix K. A complete year of air quality data, as referred to in 40 CFR part 50, appendix K, includes all four calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

II. Proposed Attainment Determination for the SJV

The SJV has 15 SLAMS sites operated by the San Joaquin Valley Unified Air Pollution Control District (District or SJVUAPCD) and CARB. These monitoring stations are located throughout the SJV.[2] The District and CARB measure ambient (24-hour-average) PM–10 concentrations in the SJV at a frequency of once every six days, except at the Corcoran SLAMS site which operates on a one in three day schedule.[3]

Table 1 summarizes the PM–10 data collected in the SJV from 2003–2005 and reported by CARB to the AQS database. As shown in Table 1, no exceedances of the 24-hour PM–10 NAAQS of 150 μg/m^3 were measured in SJV during the 2003–2005 period and the annual-average PM–10 concentrations measured during that period were below the corresponding standard of 50 μg/m^3.

TABLE 1.—SAN JOAQUIN VALLEY SLAMS NETWORK PM–10 DATA 2003–2005

Monitoring site	24 hour average		3 year annual arithmetic average (μg/m^3)
	Maximum (μg/m^3)	Expected number of exceedances	
Bakersfield—California Ave	110	0	44
Bakersfield—Golden State Hwy	136	0	46
Clovis	87	0	34
Corcoran*	150	0	44
Fresno—Drummond	102	0	41
Fresno First St.	106	0	33
Hanford	140	0	43
Merced	74	0	29
Modesto	93	0	29
Oildale	107	0	42
Stockton—Hazelton	88	0	29
Stockton—Wagner/Holt	68	0	22
Taft	96	0	31

[2] EPA evaluated the adequacy of the SJV monitoring network in connection with its approval of the 2003 PM–10 Plan. See 69 FR at 30032–30033 and ''Evaluation of the Adequacy of the Monitoring Network for the San Joaquin Valley, California for the Annual and 24-Hour PM–10 Standards,'' Bob Pallarino, EPA Region 9, September 22, 2003.

[3] Most PM–10 monitoring sites utilize a manual sampler, designated as a Federal Reference Method (FRM), operated on a once every six day schedule. These samplers draw ambient air through a quartz fiber filter which is weighed before and after sampling in order to determine the mass of PM–10 that is collected after the 24-hour run period. At Corcoran two manual FRM samplers are operated on a staggered once every six day schedule that enables the District to collect a 24-hour PM–10 sample every three days.

TABLE 1.—SAN JOAQUIN VALLEY SLAMS NETWORK PM–10 DATA 2003–2005—Continued

Monitoring site	24 hour average		3 year annual arithmetic average (μg/m³)
	Maximum (μg/m³)	Expected number of exceedances	
Turlock	87	0	30
Visalia	122	0	43

Source: U.S. EPA AQS Database.

*The Federal Reference Monitor at Corcoran did record an exceedance of the 24 hour PM–10 NAAQS on September 3, 2004 (217 μg/m³). This exceedance was flagged by CARB as a high wind natural event. EPA concurred with CARB's request to exclude this data from consideration in attainment findings on July 7, 2005.

See May 30, 1996 Memorandum ''Areas Affected by PM–10 Natural Events,'' from Mary D. Nichols, Assistant Administrator for Air and Radiation, to the Regional Air Directors. Moreover, even if EPA had not concurred with the exclusion of this data, the Corcoran site would still attain the 24-hour NAAQS because the expected number of exceedances is less than or equal to one per year, averaged over the three year period 2003–2005.

As noted above, the 24-hour PM–10 standard is attained when the expected number of days per year with levels above 150 μg/m³ (averaged over a three-year period) is less than or equal to one. As can be seen from Table 1, there were no exceedances of the 24-hour PM–10 NAAQS for the 2003–2005 period and thus the expected number of days per year with levels above 150 μg/m³ (averaged over that three-year period) is zero. Thus we propose to find that the SJV has attained the 24-hour PM–10 NAAQS. Also as noted above, attainment of the annual PM–10 standard is achieved when the annual arithmetic mean PM–10 concentration over a three-year period is equal to or less than 50 μg/m³. Our review of the data for calendar years 2003–2005 reveals that none of the 15 SLAMS sites averaged greater than 50 μg/m³. Thus we propose to find that the SJV has attained the annual PM–10 NAAQS. The SJV continues to attain the PM–10 NAAQS based on data collected through March 31, 2006.[4]

EPA is aware that the District operates a beta attenuation mass (BAM) special purpose monitor at the Corcoran monitoring site to support the District's daily air quality forecasts. This BAM monitor has recorded a sufficient number of PM–10 concentrations above 150 μg/m³ during the years 2003–2005 to prevent EPA from making a finding of attainment if the data were suitable for use in an attainment determination. However, in the Seitz Memo, EPA stated that ''[t]he Agency policy on the use of all special purpose monitoring data for any regulatory purpose, with the exception of fine particulate matter data (PM–2.5), is all quality-assured and valid data meeting 40 CFR 58 requirements must be considered within the regulatory process.'' Seitz Memo, p.1. With respect to the Corcoran BAM monitor, EPA has determined that the District did not perform quality control checks of the sampler every two weeks (see 40 CFR part 58, appendix A, section 3.1.2). Nor did CARB perform independent field audits of the BAM sampler as described in 40 CFR part 58, appendix A, section 3.2.2. See pp. 5–6 of attachment (''Supporting Information for the San Joaquin Valley PM–10 Attainment Determination Request'') to letter from Seyed Sadredin, SJVUAPCD, to Catherine Witherspoon, CARB, April 24, 2006, attached to Witherspoon Letter. Therefore the BAM data are not valid for use in a determination of whether the SJV has attained the PM–10 standards and, as a result, we have not considered them.

III. Applicability of Clean Air Act Planning Requirements

The air quality planning requirements for PM–10 nonattainment areas are set out in subparts 1 and 4 of title I of the Act. EPA has issued a General Preamble[5] and Addendum to the General Preamble[6] describing our preliminary views on how the Agency intends to review state implementation plans (SIPs) submitted to meet the CAA's requirements for PM–10 plans. These documents provide detailed discussions of our interpretation of the title I requirements.

In nonattainment areas where monitored data demonstrate that the NAAQS have already been achieved, EPA has determined that certain requirements of part D, subparts 1 and 2 of the Act do not apply. Therefore we do not require certain submissions for an area that has attained the NAAQS. These include reasonable further progress (RFP) requirements, attainment demonstrations, RACM, and contingency measures, because these provisions have the purpose of helping achieve attainment of the NAAQS.

This interpretation of the CAA is known as the Clean Data Policy and is the subject of two EPA memoranda. EPA also finalized the statutory interpretation set forth in the policy in a final rule, 40 CFR 51.918, as part of its ''Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2'' (Phase 2 Final Rule). See discussion in the preamble to the rule at 70 FR 71612, 71645–46 (November 29, 2005).

EPA believes that the legal bases set forth in detail in our Phase 2 Final rule, our May 10, 1995 memorandum from John S. Seitz, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' and our December 14, 2004 memorandum from Stephen D. Page entitled ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards'' are equally pertinent to the interpretation of provisions of subparts 1 and 4 applicable to PM–10. Our interpretation that an area that is attaining the standards is relieved of obligations to demonstrate RFP and to provide an attainment demonstration, RACM and contingency measures pursuant to part D of the CAA, pertains whether the standard is PM–10, ozone or PM–2.5.[7] For detailed discussions of this interpretation with respect to the CAA's PM–10 requirements for RFP,

[4] If EPA makes a final determination of attainment, the Agency will consider the most current data available at that time.

[5] ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992), as supplemented at 57 FR 18070 (April 28, 1992).

[6] ''State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 59 FR 41998 (August 16, 1994).

[7] Three U.S. Circuit Courts of Appeals have upheld EPA rulemakings applying its interpretation of subparts 1 and 2 with respect to ozone. *Sierra Club* v. *EPA,* 99F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* N. 04–73032 (9th Cir. June 28, 2005) (memorandum opinion).

attainment demonstrations, RACM and contingency measures, see 71 FR 6352, 6354 (February 8, 2006); 71 FR 13021, 13024 (March 14, 2006); and 71 FR 27440, 27443–27444 (May 11, 2006). We are relying on these discussions here. We also discuss our interpretation with respect to contingency measures below.

As set forth in Section I of this proposed rule, we have previously approved all of the serious area PM–10 attainment plan requirements for the SJV except for the contingency measure requirements of CAA section 172(c)(9). Section 172(c)(9) requires that part D nonattainment area plans ''provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or the Administrator.''

EPA has determined that these contingency measure requirements of CAA section 172(c)(9) no longer apply when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' (57 FR at 13564); May 10, 1995 memorandum at 5–6. As explained at length in the memoranda and rulemakings cited above, the requirements for RFP and attainment demonstrations no longer apply once an area has attained the standard, since their purpose—to achieve attainment by the applicable attainment date—will already have been fulfilled. Thus it follows that the requirement for contingency measures is also suspended for as long as the area attains the standard. Consequently, we propose that any final finding that the SJV has attained the PM–10 NAAQS would also suspend the contingency measure requirements for the SJV.

Consistent with our Clean Data Policy, we propose that this suspension exist only for as long as the area continues to monitor attainment of the standards. If the SJV experiences a violation of the PM–10 NAAQS in the future, the basis for the contingency measure requirement being suspended would no longer exist. In that event, we would notify the State that we have determined that the area is no longer attaining the PM–10 standards and provide notice to the public in the **Federal Register**.

IV. EPA's Proposed Action

Based on quality-assured data meeting the requirements of 40 CFR part 50, appendix K, we propose to determine that the SJV has attained the PM–10 NAAQS. This proposed action, if finalized, would not constitute a redesignation to attainment under CAA section 107(d)(3), because we would not yet have approved a maintenance plan as required under section 175(A) of the CAA or determined that the area has met the other CAA requirements for redesignation. The classification and designation status in 40 CFR part 81 would remain serious nonattainment for this area until such time as California meets the CAA requirements for redesignation of the SJV to attainment.

Consistent with the Agency's Clean Data Policy, EPA also proposes to find that the contingency measure requirements of CAA section 172(c)(9) would no longer apply to the San Joaquin Valley PM–10 nonattainment area.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely proposes a determination based on air quality data and does not impose any additional requirements. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this proposed rule does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 97249, November 9, 2000). This proposed 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 proposed action merely makes a determination based on air quality data and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: July 6, 2006.

Jane Diamond,

Acting Regional Administrator, Region 9.

[FR Doc. E6–11450 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B–7463]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities

listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., CFM, Acting Section Chief, Engineering Management Section, Mitigation Division, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a). These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed 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.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues 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, § 67.4.

2. The tables published under the authority of § 67.4 are proposed to be ameded as follows:

Flooding source(s)	Location of referenced elevation	+ Elevation in feet (NGVD) * Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Athens-Clark County, Georgia				
Brooklyn Creek Tributary A.	At the confluence with Brooklyn Creek	*698	*697	Athens-Clark County.
	Approximately 40 feet upstream of the confluence with Brooklyn Creek.	*698	*697	
McNutt Creek	At the confluence with Middle Oconee River.	*557	*558	Athens-Clark County.
	Approximately 1,230 feet downstream of U.S. Highway 441/U.S. Highway 129/ State Highway 15 and Macon Highway.	*558	*559	
Trail Creek	At the confluence with North Oconee River	*613	*615	Athens-Clark County.
	Approximately 550 feet downstream of Broad Street.	*614	*615	
Tributary A–1	At the confluence with Tributary A	*658	*659	Athens-Clark County.
	Approximately 100 feet upstream of the confluence with Tributary A.	*658	*659	
Tributary A–2	At the confluence with Tributary A	*692	*695	Athens-Clark County.
	Approximately 260 feet upstream of the confluence with Tributary A.	*697	*698	
Tributary H	At the confluence with Big Creek	*610	*607	Athens-Clark County.
	Approximately 870 feet upstream of the confluence with Big Creek.	*610	*609	

* North American Vertical Datum of 1988.

[1] The existing elevation data included on the effective FIRM is printed in the elevation datum of the National Geodetic Vertical Datum of 1929 (NGVD29). In order to convert this printed elevation data from the NGVD29 datum to the NAVD88 datum, please subtract 0.194 feet.

Flooding source(s)	Location of referenced elevation	+ Elevation in feet (NGVD) * Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	

ADDRESSES

Maps are available for inspection at the Athens-Clark County Public Works Department,120 West Dougherty Street, Athens, Georgia.

Send comments to The Honorable Heidi Davison, Mayor, City of Athens-Clark County, 301 College Avenue, Athens, Georgia 30601.

Bibb County, Georgia (Unincorporated Areas)

Walnut Creek	Approximately 400 feet upstream of Interstate Highway 16.	*298	*299	Bibb County (Unincorporated Areas).
	Just downstream of the Norfolk Southern Railway.	*299	*300	

+North American Vertical Datum of 1988.

[1] The existing elevation data included on the effective FIRM is printed in the elevation datum of the National Geodetic Vertical Datum of 1929 (NGVD29). In order to convert this printed elevation data from the NGVD29 datum to the NAVD88 datum, please subtract 0.4 feet.

ADDRESSES

Maps are available for inspection at the Bibb County Engineering Office, 780 Third Street, Macon, Georgia.

Send comments to The Honorable Charles Bishop, Chairman, Bibb County Board of Commissioners, 601 Mulberry Street, Macon, Georgia 31201.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Warren County, Kentucky and Incorporated Areas

Sinkhole No. 2	At Media Drive	*464	+464	City of Bowling Green.
Sinkhole No. 3	At Holly and Catherine Drives	*465	+465	City of Bowling Green.
Sinkhole No. 4A	At Holly and Catherine Drives	*462	+461	City of Bowling Green.
Sinkhole No. 4B	At Holly and Catherine Drives	*443	+440	City of Bowling Green.
Sinkhole No. 7	At Boxwood Drive	*545	+541	City of Bowling Green and Warren County (Unincorporated Areas).
Sinkhole No. 7A	At Boxwood Drive	*545	+541	Warren County (Unincorporated Areas).
Sinkhole No. 14	At Wellington Way	*479	+482	City of Bowling Green.
Sinkhole No. 21	At Canton Avenue	*524	+523	City of Bowling Green.
Sinkhole No. 22	At Andrea Street	*532	+529	City of Bowling Green.
Sinkhole No. 25A	At Pascoe Boulevard	*535	+531	City of Bowling Green.
Sinkhole No. 33	At Rich Pond	*580	+568	Warren County (Unincorporated Areas).
Sinkhole No. 39A	At Bogle Lane	None	+488	City of Bowling Green.
Sinkhole No. 39B	At Bogle Lane	None	+485	City of Bowling Green.

Depth in feet above ground.

*National Geodetic Vertical Datum.

+National American Vertical Datum.

ADDRESSES

Maps are available for inspection at City-County Planning Commission of Warren County,1141 State Street, Bowling Green, Kentucky.

Send comments to Mr. Eric W. Larson, PE, CFM, Floodplain Manager, City-County Planning Commission of Warren County, 1141 State Street, Bowling Green, Kentucky 42101.

Pickens County, South Carolina and Incorporated Areas

Adams Creek	At the confluence of Oolenoy River	None	+940	Pickens County (Unincorporated Areas).
	Just upstream of Anderson Circle	None	+971	
Betsy Akin Branch	At the confluence with Lake Keowee	None	+800	Pickens County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with Lake Keowee.	None	+808	
Brushy Creek	Approximately 2,665 feet downstream of Sheriff Mill Road.	None	+859	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 550 feet upstream of Anzio Street.	None	+982	
Burdine Creek	At the confluence with Georges Creek	None	+863	Pickens County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 2,790 feet downstream of Dacusville Hwy.	None	+1,006	
Burdine Creek Tributary	At the confluence with Burdine Creek	None	+1,006	Pickens County (Unincorporated Areas).
	Approximately 80 feet downstream of Holly Bush Road.	None	+1,010	
Burgess Creek	At the confluence with Weaver Creek	None	+944	Pickens County (Unincorporated Areas).
	Approximately 1,810 feet downstream of Cricket Drive.	None	+959	
Camp Creek	At the confluence of Twelvemile Creek	None	+725	Pickens County (Unincorporated Areas), Town of Sixmile.
	Approximately 900 feet southeast of the intersection of Elizabeth Lane and South Main Street.	None	+997	
Cannon Creek	At the confluence with Twelvemile Creek ..	None	+882	Pickens County (Unincorporated Areas).
	Approximately 200 feet upstream of the confluence of Gregory Creek.	None	+891	
Carmel Creek	Approximately 250 feet downstream of Joyce Road.	None	+825	Pickens County (Unincorporated Areas).
	Approximately 3,620 feet upstream of Wyatt Stewart Road.	None	+957	
Carpenter Creek	At the confluence with South Saluda River	None	+889	Pickens County (Unincorporated Areas).
	Approximately 1,700 feet downstream of Dalton Road.	None	+1,001	
Carrick Creek	At the confluence of Oolenoy River	None	+956	Pickens County (Unincorporated Areas).
	Approximately 210 feet upstream of Table Rock Road.	None	+959	
Crow Creek	At the confluence of Lake Keowee	None	+800	Pickens County (Unincorporated Areas).
	Approximately 2,510 feet upstream of Little Eastatoee Road.	None	+871	
Doddies Creek	At the confluence with Machine Creek	None	+863	Pickens County (Unincorporated Areas).
	Approximately 290 feet upstream of Dacusville Hwy.	None	+1,059	
Eastatoe Creek	At the confluence with Lake Keowee	None	+800	Pickens County (Unincorporated Areas).
	Approximately 340 feet upstream of Lesesne Road.	None	+1,004	
Eighteenmile Creek	Approximately 1,550 feet downstream of the confluence with Eighteenmile Creek Tributary 5.	None	+714	Pickens County (Unincorporated Areas), City of Clemson, City of Easley.
	Approximately 2,020 feet upstream of Ross Avenue.	None	+989	
Eighteenmile Creek Tributary A.	Approximately 70 feet upstream of Shaftsbury Road.	None	+795	City of Clemson.
	Approximately 520 feet upstream of Shaftsbury Road.	None	+808	
Eighteenmile Creek Tributary 1.	Approximately 50 feet upstream of Prince Ranier Road.	None	+798	City of Clemson.
	Approximately 755 feet upstream of Prince Rainer Road.	None	+812	
Eighteenmile Creek Tributary 2.	Approximately 70 feet upstream of Clarendon Drive.	None	+745	City of Clemson.
	Approximately 1,640 feet upstream of the confluence with Eighteenmile Creek Tributary 6.	None	+782	
Eighteenmile Creek Tributary 3.	At the confluence with Eighteenmile Creek Tributary 9.	None	+752	Pickens County (Unincorporated Areas).
	Approximately 1,710 feet upstream of the confluence with Eighteenmile Creek Tributary 9.	None	+776	
Eighteenmile Creek Tributary 4.	At the confluence with Eighteenmile Creek	None	+730	Pickens County (Unincorporated Areas).
	Approximately 1,000 feet upstream of Calhoun Memorial Hwy.	None	+745	
Eighteenmile Creek Tributary 5.	At the confluence with Eighteenmile Creek	None	+716	Pickens County (Unincorporated Areas), City of Clemson.
	Approximately 1,890 feet southwest of the intersection of Moser Trail and Old Shirley Road.	None	+787	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Eighteenmile Creek Tributary 6.	At the confluence with Eighteenmile Creek Tributary 2.	None	+757	Pickens County (Unincorporated Areas), City of Clemson.
	Approximately 280 feet upstream of Azalea Drive.	None	+775	
Eighteenmile Creek Tributary 7.	At the confluence with Eighteenmile Creek	None	+719	Pickens County (Unincorporated Areas).
	Approximately 7,585 feet upstream of the confluence with Eighteenmile Creek Tributary 19.	None	+800	
Eighteenmile Creek Tributary 8.	At the confluence with Eighteenmile Creek Tributary 2.	None	+751	City of Clemson.
	Approximately 1,595 feet upstream of the confluence with Eighteenmile Creek Tributary 2.	None	+769	
Eighteenmile Creek Tributary 9.	At the confluence with Eighteenmile Creek	None	+737	Pickens County (Unincorporated Areas), City of Clemson, Town of Central.
	Approximately 1,510 feet upstream of Fernway Drive.	None	+854	
Eighteenmile Creek Tributary 10.	At the confluence with Eighteenmile Creek Tributary 2.	None	+751	City of Clemson.
	Approximately 1,040 feet upstream of the confluence with Eighteenmile Creek Tributary 2.	None	+764	
Eighteenmile Creek Tributary 11.	At the confluence with Eighteenmile Creek	None	+747	Pickens County (Unincorporated Areas).
	Approximately 5,990 feet upstream of Mill Pine Road.	None	+818	
Eighteenmile Creek Tributary 12.	At the confluence with Eighteenmile Creek	None	+809	Pickens County (Unincorporated Areas), Town of Liberty.
	Approximately 920 feet upstream of the Railroad crossing.	None	+961	
Eighteenmile Creek Tributary 13.	At the confluence with Eighteenmile Creek	None	+842	Pickens County (Unincorporated Areas).
	Approximately 3,970 feet upstream of Calhoun Memorial Hwy.	None	+865	
Eighteenmile Creek Tributary 14.	At the confluence with Eighteenmile Creek	None	+874	Pickens County (Unincorporated Areas).
	Approximately 3,490 feet upstream of Smith Grove Road.	None	+904	
Eighteenmile Creek Tributary 15.	At the confluence with Eighteenmile Creek	None	+885	Pickens County (Unincorporated Areas).
	Approximately 1,230 feet upstream of Smith Grove Road.	None	+914	
Eighteenmile Creek Tributary 16.	At the confluence with Eighteenmile Creek (Near Easley).	None	+960	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 880 feet upstream of the confluence with Eighteenmile Creek.	None	+998	
Eighteenmile Creek Tributary 17.	At the confluence with Eighteenmile Creek (Near Easley).	None	+959	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 130 feet upstream of Cherokee Road.	None	+1,017	
Eighteenmile Creek Tributary 18.	At the confluence with Eighteenmile Creek	None	+735	Pickens County (Unincorporated Areas).
	Approximately 1,210 feet upstream of the confluence with Eighteenmile Creek.	None	+752	
Eighteenmile Creek Tributary 19.	At the confluence with Eighteenmile Creek	None	+720	Pickens County (Unincorporated Areas).
	Approximately 1,940 feet upstream of the confluence with Eighteenmile Creek Tributary 7.	None	+727	
Fifteenmile Creek	At the confluence of Eighteenmile Creek ...	None	+747	Pickens County (Unincorporated Areas).
	Approximately 2,060 feet upstream of Pine Thicket Road.	None	+829	
Fifteenmile Creek Tributary 1.	At the confluence with Fifteenmile Creek ...	None	+781	Pickens County (Unincorporated Areas).
	Approximately 180 feet upstream of Garvin Road.	None	+802	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Fifteenmile Creek Tributary 2.	At the confluence with Fifteenmile Creek ...	None	+788	Pickens County (Unincorporated Areas).
	Approximately 240 feet upstream of Pine Ticket Road.	None	+804	
Fifteenmile Creek Tributary 3.	At the confluence of Fifteenmile Creek	None	+755	Pickens County (Unincorporated Areas).
	Approximately 1,420 feet upstream of the confluence with Fifteenmile Creek.	None	+773	
Georges Creek	At the confluence with South Saluda River	None	+796	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 1,025 feet upstream of Hamilton Street.	None	+1,006	
Georges Creek Tributary 1.	At the confluence with Georges Creek	None	+819	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 2,140 feet upstream of Cardinal Drive.	None	+868	
Golden Creek	At the confluence with Twelvemile Creek ..	None	+801	Pickens County (Unincorporated Areas), Town of Liberty, Town of Norris.
	Approximately 1,380 feet downstream of Enon Church Road.	None	+917	
Golden Creek Tributary 1.	At the confluence with Golden Creek	None	+847	Pickens County (Unincorporated Areas), Town of Liberty.
	Approximately 2,140 feet upstream of the confluence with Golden Creek.	None	+910	
Gowens Creek	At the confluence of Oolenoy River	None	+923	Pickens County (Unincorporated Areas).
	Approximatley 200 feet Downstream of Table Rock Road.	None	+935	
Gregory Creek	At the confluence with Cannon Creek	None	+891	Pickens County (Unincorporated Areas).
	Approximately 1,410 feet upstream of the confluence with Gregory Creek.	None	+944	
Hagood Branch	At the confluence of Twelvemile Creek	None	+931	Pickens County (Unincorporated Areas).
	Approximately 3,090 feet upstream of Hagood Mill Road.	None	+984	
Hamilton Creek	At the confluence with Georges Creek	None	+828	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 885 feet upstream of Pace Valley Road.	None	+937	
Keowee River	Approximately 3.4 miles downstream of Deowee Dam.	None	+665	Pickens County (Unincorporated Areas).
	Just downstream of Keowee Dam	None	+675	
Lake Hartwell	.....	None	+665	Pickens County (Unincorporated Areas), City of Clemson.
Lake Hartwell Tributary 2.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas).
	Approximately 1,940 feet upstream of West Queen Street.	None	+671	
Lake Keowee	.....	None	+800	Pickens County (Unincorporated Areas).
Little Crow Creek	At the confluence with Lake Keowee	None	+800	Pickens County (Unincorporated Areas).
	Approximately 990 feet upstream of Little Crow Creek Road.	None	+832	
Little Crow Creek Tributary.	At the confluence with Little Crow Creek ...	None	+822	Pickens County (Unincorporated Areas).
	Approximately 1,620 feet upstream of Mile Creek Road.	None	+896	
Little Eastatoe Creek	At the confluence with Eastatoe Creek	None	+805	Pickens County (Unincorporated Areas).
	Approximately 1,020 feet upstream of the confluence with Little Eastatoe Creek Tributary.	None	+1,015	
Little Eastatoe Creek Tributary.	At the confluence with Little Eastatoe Creek.	None	+1,013	Pickens County (Unincorporated Areas).
	Approximately 550 feet upstream of Sunset Community Way.	None	+1,038	
Little Eastatoe Creek Tributary 2.	At the confluence with Little Eastatoe Creek Tributary.	None	+1,019	Pickens County (Unincorporated Areas).
	Approximately 540 feet upstream of Sequoyah Way.	None	+1,039	
Little Georges Creek	At the confluence with Georges Creek	None	+819	Pickens County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 370 feet upstream of Looper Road.	None	+959	
Machine Creek	At the confluence with South Saluda River	None	+863	Pickens County (Unincorporated Areas).
	Approximately 340 feet upstream of Childress Road.	None	+1,053	
Mad Dog Branch	At the confluence with Georges Creek	None	+937	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 310 feet upstream of Turpin Drive.	None	+1,018	
Middle Branch	Approximately 930 feet downstream of Meadow Ridge Road.	None	+872	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 170 feet upstream of Calhoun Memorial Highway.	None	+988	
Middle Branch Tributary 6A.	Approximately 210 feet downstream of Mossie Smith Road.	None	+889	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 575 feet downstream of Rose Ann Court.	None	+904	
Middle Branch Tributary 6B.	At the confluence with Middle Branch Tributary 6A.	None	+892	Pickens County (Unincorporated Areas), City of Easley.
	Approximately 345 feet upstream of Canvasback Way.	None	+904	
Middle Fork Twelvemile Creek.	At the confluence with Twelvemile Creek	None	+911	Pickens County (Unincorporated Areas).
	Approximately 140 feet downstream of Phoenix Road.	None	+1,046	
Middle Fork Twelvemile Creek Tributary 1.	At the confluence with Middle Fork Twelvemile Creek.	None	+932	Pickens County (Unincorporated Areas).
	Approximately 660 feet upstream of Meece Mill Road.	None	+957	
Middle Fork Twelvemile Creek Tributary 2.	At the confluence with Middle Fork Twelvemile Creek.	None	+932	Pickens County (Unincorporated Areas).
	Approximately 340 feet upstream of Meece Mill Road.	None	+935	
Mill Creek	At the confluence with Oolenoy River	None	+968	Pickens County (Unincorporated Areas).
	Approximately 500 feet downstream of Table Rock Road.	None	+979	
Mill Shoals Creek	At the confluence with Middle Fork Twelvemile Creek.	None	+950	Pickens County (Unincorporated Areas).
	Approximately 3,010 feet upstream of the confluence with Middle Fork Twelvemile Creek.	None	+957	
Molly Branch	At the confluence with Adams Creek	None	+950	Pickens County (Unincorporated Areas).
	Approximately 4,510 feet upstream of the confluence with Adams Creek.	None	+982	
Oolenoy River	At the confluence with South Saluda River	None	+927	Pickens County (Unincorporated Areas).
	Approximately 200 feet upstream of Lake Road.	None	+948	
Oolenoy River Tributary 2.	At the confluence with Oolenoy River	None	+946	Pickens County (Unincorporated Areas).
	Approximately 490 feet upstream of Table Rock Road.	None	+995	
Oolenoy River Tributary 3.	At the confluence with Oolenoy River	None	+968	Pickens County (Unincorporated Areas).
	Approximately 350 feet upstream of Table Rock Road.	None	+976	
Oolenoy River Tributary 5.	At the confluence with Oolenoy River	None	+997	Pickens County (Unincorporated Areas).
	Approximately 1,400 feet upstream of Table Rock Road.	None	+1,046	
Peters Creek	At the confluence with South Saluda River	None	+893	Pickens County (Unincorporated Areas).
	Approximately 1,930 upstream of Freeman Bridge Road.	None	+902	
Praters Creek	At the confluence with Twelvemile Creek	None	+857	Pickens County (Unincorporated Areas).
	Approximately 1,670 feet downstream of Morningside Road.	None	+886	
Ravens Branch	At the confluence of Wolf River	None	+1,004	Pickens County (Unincorporated Areas).
	Approximately 570 feet downstream of Boundary Drive.	None	+1,023	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Reedy Cove Creek	At the confluence with Eastatoe Creek	None	+962	Pickens County (Unincorporated Areas).
	Approximately 350 feet upstream of Holcombe Hollow.	None	+986	
Rices Creek	At the confluence with Twelvemile Creek ..	None	+841	Pickens County (Unincorporated Areas).
	Approximately 130 feet upstream of Robert P. Jeannes Road.	None	+1,018	
Rices Creek Tributary ..	At the confluence with Rices Creek	None	+945	Pickens County (Unincorporated Areas).
	Approximately 1,170 feet upstream of Griffin Mill Road.	None	+951	
Shoal Creek	At the confluence with Twelvemile Creek ..	None	+792	Pickens County (Unincorporated Areas), Town of Sixmile.
	Approximately 2,660 feet upstream of Spur Road.	None	+1,099	
Shoal Creek Tributary 1	At the confluence with Shoal Creek	None	+896	Pickens County (Unincorporated Areas), Town of Sixmile.
	Approximately 330 feet upstream of Liberty Hwy.	None	+966	
Shoal Creek (South Saluda River Tributary).	At the confluence with South Saluda river	None	+866	Pickens County (Unincorporated Areas).
	Approximately 3,840 feet upstream of Dacusville Hwy.	None	+990	
Shoal Creek Tributary 1 (South Saluda River Tributary).	At the confluence with Shoal Creek (South Saluda River Tributary).	None	+866	Pickens County (Unincorporated Areas).
	Just upstream of Hunts Bridge Road	None	+942	
Shoal Creek Tributary 2 (South Saluda River Tributary).	At the confluence with Shoal Creek (South Saluda River Tributary).	None	+872	Pickens County (Unincorporated Areas).
	Approximately 2,170 feet upstream of Raines Road.	None	+904	
Sixmile Creek	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas), Town of Sixmile.
	Approximately 700 feet upstream of Cedar Hill Road.	None		
South Saluda River	At the confluence of Georges Creek	None	+804	Pickens County (Unincorporated Areas).
	Approximately 1,000 feet upstream of South Saluda Road.	None	+1,127	
South Saluda River Tributary 1.	At the confluence of South Saluda River ...	None	+862	Pickens County (Unincorporated Areas).
	Approximately 2,520 feet upstream of Edinburgh Lane.	None	+884	
South Saluda River Tributary 1.	At the confluence of South Saluda River ...	None	+927	Pickens County (Unincorporated Areas).
	Approximately 200 feet upstream of Lake Circle.	None	+948	
Three and Twenty Creek.	Approximately 4,270 feet downstream of the confluence of Three and Twenty Creek Tributary 1.	None	+820	Pickens County (Unincorporated Areas).
	Approximately 900 feet downstream of Johnson Road.	None	+868	
Three and Twenty Creek Tributary 1.	At the confluence of Three and Twenty Creek.	None	+827	Pickens County (Unincorporated Areas).
	Approximately 3,200 feet upstream of Zion School Road.	None	+860	
Three and Twenty Creek Tributary 2.	At the confluence of Three and Twenty Creek.	None	+828	Pickens County (Unincorporated Areas).
	Approximately 1,355 feet upstream of Johnson Road.	None	+879	
Town Creek	Just upstream of Pumpkintown Hwy	None	+988	Pickens County (Unincorporated Areas).
	Approximately 1,380 feet upstream of Ivey Hanes Road.	None	+1,124	
Town Creek Tributary 1	At the confluence of Town Creek	None	+1,007	Pickens County (Unincorporated Areas).
	Approximately 1,190 feet east of the intersection of Capewood Lane and Glassy Mountain Road.	None	+1,099	
Town Creek Tributary 2	At the confluence of Town Creek	None	+1,022	Pickens County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 1,960 feet upstream of Griffin Church Road.	None	+1,099	
Town Creek Tributary 3	At the confluence of Town Creek	None	+1,055	Pickens County (Unincorporated Areas).
	Approximately 1,680 feet upstream of Fox Squirrel Ridge Road.	None	+1,060	
Town Creek Tributary 4	At the confluence of Town Creek	None	+1,029	Pickens County (Unincorporated Areas).
	Approximately 720 feet downstream of Spring Creek Drive.	None	+1,065	
Twelvemile Creek	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas), City of Clemson.
	At Belle Shoals Road	None	+869	
Twelvemile Creek	Approximately 80 feet upstream of Log House Road.	None	+1,019	Pickens County (Unincorporated Areas).
	Approximately 500 feet upstream of Hidden Valley Road.	None	+1,061	
Twelvemile Creek Tributary.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas), City of Clemson.
	At Old Central Road	None	+665	
Twelvemile Creek Tributary 4.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas).
	Approximately 4,970 feet upstream of the confluence with Lake Hartwell.	None	+675	
Twelvemile Creek Tributary 6.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas).
	Approximately 210 feet upstream of R.C. Edward School Road.	None	+673	
Twelvemile Creek Tributary 7.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas).
	Approximately 930 feet upstream of the confluence with Lake Hartwell.	None	+668	
Twelvemile Creek Tributary 9.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas).
	Approximately 320 feet southeast of the intersection of Old Cedar Lane and South Main Street.	None	+994	
Twelvemile Creek Tributary 10.	At the confluence with Lake Hartwell	None	+665	Pickens County (Unincorporated Areas).
	Approximately 1,190 feet upstream of the confluence with Lake Hartwell.	None	+669	
Twelvemile Creek Tributary 11.	At the confluence with Twelvemile Creek	None	+678	Pickens County (Unincorporated Areas).
	Approximately 690 feet southeast of the intersection of Garvin Street and Maw Bridge Road.	None	+960	
Twelvemile Creek Tributary 13.	At the confluence with Twelvemile Creek	None	+908	Pickens County (Unincorporated Areas).
	Approximately 590 feet upstream of Tiger Drive.	None	+926	
Twelvemile Creek Tributary 14.	At the confluence with Twelvemile Creek	None	+978	Pickens County (Unincorporated Areas).
	Approximately 280 feet upstream of Tommys Trail.	None	+1,023	
Twelvemile Creek Tributary 15.	At the confluence with Twelvemile Creek	None	+982	Pickens County (Unincorporated Areas).
	Approximately 3,030 feet upstream of the confluence of Twelvemile Creek.	None	+999	
Weaver Creek	At the confluence with Twelvemile Creek	None	+937	Pickens County (Unincorporated Areas).
	Approximately 2,570 feet upstream of the confluence with Burgress Creek.	None	+950	
West Fork Gregory Creek.	At the confluence with Twelvemile Creek	None	+938	Pickens County (Unincorporated Areas).
	Approximately 660 feet upstream of Windmont Road.	None	+956	
Wolf Creek	At the confluence with Twelvemile Creek	None	+876	Pickens County (Unincorporated Areas), City of Pickens.
	Just upstream of Mauldin Lake Road	None	+916	
Wolf Creek	Just downstream of Hideaway Hills Lane	None	+996	Pickens County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 260 feet downstream of Pretty Place Drive.	None	+1,046	
Wolf Creek Tributary	At the confluence of Wolf Creek	None	+951	Pickens County (Unincorporated Areas).
	Approximately 2,500 feet upstream of the confluence with Wolf Creek.	None	+972	
Woodside Branch	At the confluence with Eighteenmile Creek	None	+826	Pickens County (Unincorporated Areas), Town of Liberty.
	Approximately 960 feet upstream of the confluence with Woodside Branch Tributary.	None	+866	
Woodside Branch Tributary.	At the confluence with Woodside Branch ...	None	+854	Pickens County (Unincorporated Areas), Town of Liberty.
	Approximately 2,180 feet upstream of Burn Hill Road.	None	+882	
Youngs Branch	At the confluence with Middle Fork Twelvemile Creek.	None	+1,005	Pickens County (Unincorporated Areas), Town of Liberty.
	Approximately 840 feet downstream of confluence of Blacks Branch.	None	+1,059	

Depth in feet above ground.
*National Geodetic Vertical Datum.
+National American Vertical Datum.

ADDRESSES

Unincorporated Areas of Pickens County

Maps are available for inspection at 222 McDaniels Avenue B–, Pickens, SC 29670–1419.

Send comments to Alan M. Ours, County Administrator, Pickens County, 222 McDaniels Avenue B–2, Pickens, SC 29670–1419.

Town of Central

Maps are available for inspection at 1067 West Main Street, Central, SC 29630–0549.

Send comments to the Honorable H.R. Holladay, Mayor, Town of Central, P.O. Box 549, Cenral, SC 29630–0549.

City of Clemson

Maps are available for inspection at 1200–3 Tiger Boulevard, Clemson, SC 29633–1566.

Send comments to Rick Cotton, City Aministrator, City of Clemson, P.O. Box 1566, Clemson, SC 29633–1566.

City of Easley

Maps are available for inspection at 205 N 1st Street, Easley, SC 29641–0466.

Send comments to the Honorable M.E. Christopherson, Mayor, City of Easley, P.O. Box 466, Easley, SC 29641–0466.

Town of Liberty

Maps are available for inspection at 206 West Front Street, Liberty, SC 29657–0716.

Send comments to the Honorable Eddie Hughes, Mayor, City of Liberty, P.O. Box 716, Liberty, SC 29657–0716.

Town of Norris

Maps are available for inspection at 100 East Jamison Street, Norris, SC 29667–0320.

Send comments to the Honorable Odell Williams, Mayor, Town of Norris, P.O. Box N, Norris, SC 29667–0320.

City of Pikens

Maps are available for inspection at 209 Pendleton Street, Pickens, SC 29671–0127.

Send comments to the Honorable David Owens, Mayor, City of Pickens, P.O. Box 217, Pickens, SC 29671–0127.

Town of Sixmile

Maps are available for inspection at 106 South Main Street, Six Mile, SC 29682–0429.

Send comments to the Honorable Randy Cheek, Mayor, Town of Six Mile, P.O. Box 429 Six Mile, SC 29682–0429.

York County, South Carolina and Incorporated Areas

Abernathy Creek	Approximately 4,550 feet downstream of Rowells Road.	None	+484	York County (Unincorporated Areas).
	Approximately 300 feet downstream of Rowells Road.	None	+509	
Allison Creek	At the confluence with Big Allison Creek ...	None	+667	York County (Unincorporated Areas), Town of Clover.
	Approximately 3,800 feet upstream of Faulkner Road.	None	+703	
Allison Creek Tributary	At the confluence with Allison Creek	None	+679	York County (Unincorporated Areas).
	Just downstream of Faulkner Road	None	+686	

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Allison Creek Tributary 1.	At the confluence with Allison Creek	None	+676	York County (Unincorporated Areas).
	Approximately 275 feet upstream of Thomas Road.	None	+731	
Allison Creek Tributary 2.	At the confluence with Allison Creek Tributary 1.	None	+698	York County (Unincorporated Areas).
	Approximately 310 feet downstream of Thomas Road.	None	+721	
Beaverdam Creek	At the confluence with Crowders Creek	None	+579	York County (Unincorporated Areas).
	Approximately 1,090 feet downstream of Barrett Road.	None	+736	
Beaverdam Creek West	At the confluence with Broad River	None	+438	York County (Unincorporated Areas).
	Approximately 1,270 feet upstream of the Dagnall Road.	None	+582	
Beaverdam Creek Tributary 1.	At the confluence with Beaverdam Creek ..	None	+593	York County (Unincorporated Areas).
	Approximately 6,010 feet upstream of Chimney Ford Road.	None	+666	
Beaverdam Creek Tributary 2.	At the confluence with Beaverdam Creek ..	None	+635	York County (Unincorporated Areas).
	Approximately 320 feet downstream of Bate Harvey Road.	None	+685	
Beaverdam Creek Tributary 3.	At the confluence with Beaverdam Creek ..	None	+649	Town of Clover.
	Approximately 7,540 feet upstream of Old Carriage Road.	None	+728	
Beaverdam Creek Tributary 4.	At the confluence with Beaverdam Creek ..	None	+711	York County (Unincorporated Areas), Town of Clover.
	Approximately 640 feet upstream of Carbon Metallic Hwy.	None	+789	
Big Branch	At the confluence with Big Allison Branch ..	None	+575	York County (Unincorporated Areas).
	Approximately 1,155 feet southwest of the intersection of Old Cedar Circle and Big Branch Court.	None	+612	
Big Allison Creek	At the confluence with Lake Wylie	None	+570	York County (Unincorporated Areas).
	Approximately 5,570 feet upstream of the confluence with Big Allison Creek Tributary 4.	None	+771	
Big Allison Creek Tributary 1.	At the confluence with Big Allison Branch ..	None	+634	York County (Unincorporated Areas).
	Approximately 5,280 feet upstream of Paraham Road South.	None	+634	
Big Allison Creek Tributary 2.	At the confluence with Big Allison Creek ...	None	+633	York County (Unincorporated Areas).
	Just upstream of Meadow Road	None	+641	
Big Allison Creek Tributary 3.	At the confluence with Big Allison Creek ...	None	+673	York County (Unincorporated Areas).
	Approximately 60 feet upstream of Brown Pelican Court.	None	+713	
Big Allison Creek Tributary 4.	At the confluence with Big Allison Creek ...	None	+735	York County (Unincorporated Areas).
	Approximately 80 feet downstream of Wilmoth Road.	None	+784	
Big Dutchman Creek	At the confluence with Catawba River	None	+511	York County (Unincorporated Areas) City of Rock Hill.
	Approximately 50 feet downstream of Mt. Gallant Road.	None	+515	
Blue Branch	At the confluence with Turkey Creek	None	+387	York County (Unincorporated Areas).
	Approximately 550 feet downstream of McConnells Hwy West.	None	+472	York County (Unincorporated Areas).
Blue Branch Tributary 1	At the confluence with Blue Branch	None	+392	York County (Unincorporated Areas).
	Approximately 3,800 feet upstream above the confluence with Blue Branch.	None	+442	
Broad River	Approximately 7,030 feet downstream of the confluence of Robertson Branch.	None	+433	York County (Unincorporated Areas).
	At the confluence of Kings Creek	None	+456	
Bryson Creek	At the confluence with Turkey Creek	None	+414	York County (Unincorporated Areas).

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	Approximately 430 feet downstream of Parson Road.	None	+540	
Buck Horn Creek	At the confluence with Susybole Creek	None	+490	York County (Unincorporated Areas).
	Approximately 440 feet downstream of Templeton Road.	None	+744	
Buck Horn Creek Tributary 1.	At the confluence with Buck Horn Creek ...	None	+562	York County (Unincorporated Areas).
	Approximately 780 feet upstream of Broadhurst Lane.	None	+609	
Buck Horn Creek Tributary 2.	At the confluence with Buck Horn Creek ...	None	+578	York County (Unincorporated Areas).
	Approximately 1,550 feet upstream of Propst Road.	None	+593	
Buck Horn Creek Tributary 3.	At the confluence with Buck Horn Creek ...	None	+577	York County (Unincorporated Areas).
	Approximately 1,960 feet upstream of Propst Road.	None	+607	
Buck Horn Creek Tributary 4.	At the confluence with Buck Horn Creek ...	None	+619	York County (Unincorporated Areas).
	Approximately 2,720 feet upstream of Quarry Road.	None	+719	
Buck Horn Creek Tributary 5.	At the confluence with Buck Horn Creek ...	None	+638	York County (Unincorporated Areas).
	Approximately 2,940 feet upstream of the confluence with Buck Horn Creek.	None	+736	
Buck Horn Creek Tributary 6.	At the confluence with Buck Horn Creek ...	None	+701	York County (Unincorporated Areas).
	Approximately 450 feet southeast of the intersection of Hartness Road and Templeton Road.	None	+746	
Bullock Creek	At the confluence with Broad River	None	+436	York County (Unincorporated Areas).
	Approximately 1,220 feet upstream of Crossland Road.	None	+662	
Bullock Creek Tributary 1.	At the confluence of Bullock Creek	None	+474	York County (Unincorporated Areas).
	Approximately 3,370 feet upstream of the confluence with Bullock Creek.	None	+487	
Bullock Creek Tributary 2.	At the confluence of Bullock Creek	None	+491	York County (Unincorporated Areas).
	Approximately 8,890 feet upstream of the confluence with bullock Creek.	None	+547	
Bullock Creek Tributary 3.	At the confluence of Bullock Creek	None	+506	York County (Unincorporated Areas).
	Approximately 4,500 feet upstream of the confluence with Bullock Creek.	None	+539	
Bullock Creek Tributary 4.	At the confluence of Bullock Creek	None	+514	York County (Unincorporated Areas).
	Approximately 2,520 feet upstream of the confluence with Bullock Creek.	None	+541	
Bullock Creek Tributary 5.	At the confluence of Bullock Creek	None	+522	York County (Unincorporated Areas).
	Approximately 1,350 feet upstream of the confluence with Bullock Creek.	None	+529	
Bullock Creek Tributary 6.	At the confluence of Bullock Creek	None	+530	York County (Unincorporated Areas).
	Approximately 2,110 feet upstream of the confluence with Bullock Creek.	None	+550	
Bullock Creek Tributary 7.	At the confluence of Bullock Creek	None	+620	York County (Unincorporated Areas).
	Approximately 90 feet downstream of Bersheba Road North.	None	+649	
Burgis Creek	At the confluence of Catawba River	None	+492	York County (Unincorporated Areas).
	Approximately 100 feet downstream of White Horse Road.	None	+550	
Calabash Branch	At the confluence with Big Allison Creek ...	None	+618	York County (Unincorporated Areas), Town of Clover.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 850 feet upstream of McConnell Street.	None	+762	
Camp Run	At the confluence with Beaverdam Creek	None	+594	York County (Unincorporated Areas).
	Approximately 300 feet upstream of W.H. Stowe Road.	None	+606	
Carter Branch	At the confluence with Susybole Creek	None	+458	York County (Unincorporated Areas).
	Approximately 1,640 feet upstream of Burgis Road South.	None	+490	
Catawba River	Approximately 4,370 feet downstream of the Railroad crossing.	None	+467	York County (Unincorporated Areas), Catawba Indian Nation.
	Just downstream of the Lake Wylie Dam	*524	+517	
Catawba River Tributary 1.	At the confluence with Catawba River	None	+467	York County (Unincorporated Areas), City of Rock Hill.
	At the Chester/York County Boundary	None	+502	
Catawba River Tributary 2.	At the confluence with Catawba River	None	+480	York County (Unincorporated Areas).
	Approximately 3,370 feet upstream of the confluence with Catawba River.	None	+503	
Catawba River Tributary 3.	At the confluence with Mooneys Hill Branch.	None	+521	York County (Unincorporated Areas).
	Approximately 1,605 feet upstream of the confluence with Mooneys Hill Branch.	None	+539	
Catawba River Tributary 4.	At the confluence with Mooneys Hill Branch.	None	+535	York County (Unincorporated Areas).
	Approximately 1,980 feet upstream of the confluence with Mooneys Hill Branch.	None	+545	
Catawba River Tributary 6.	At the confluence with Lake Wylie	None	+570	York County (Unincorporated Areas).
	Approximately 1,980 feet upstream of the confluence with Lake Wylie.	None	+573	
Catawba River Tributary 9.	At the confluence with Catawba River Tributary 3.	None	+529	York County (Unincorporated Areas).
	Approximately 585 feet upstream of the confluence with Catawba Riber Tributary 10.	None	+548	
Catawba River Tributary 10.	At the confluence with Catawba River Tributary 9.	None	+537	York County (Unincorporated Areas).
	Approximately 625 feet upstream of the confluence with Catawba River Tributary 9.	None	+547	
Catawba River Tributary 11.	At the confluence with Catawba River	None	+480	York County (Unincorporated Areas).
	Approximately 4,530 feet upstream of the confluence with Catawba River.	None	+507	
Clark Creek	At the confluence with Bullock Creek	None	+467	York County (Unincorporated Areas).
	Approximately 2,310 feet upstream of Park Road.	None	+704	
Clark Creek Tributary 1	At the confluence with Clark Creek	None	+477	York County (Unincorporated Areas).
	Approximately 870 feet downstream of Walnut Street Extension.	None	+496	
Clark CreekTributary 2	At the confluence with Clark Creek	None	+489	York County (Unincorporated Areas).
	Approximately 1,650 feet upstream of the confluence with Clark Creek.	None	+507	
Clark Creek Tributary 3	At the confluence with Clark Creek	None	+503	York County (Unincorporated Areas).
	Approximately 2,210 feet upstream of the confluence with Clark Creek.	None	+519	
Clark Creek Tributary 4	At the confluence with Clark Creek	None	+520	York County (Unincorporated Areas).
	Approximately 1,710 feet upstream of the confluence with Clark Creek.	None	+536	
Clark Creek Tributary 5	At the confluence with Clark Creek	None	+527	York County (Unincorporated Areas).
	Approximately 2,000 feet upstream of the confluence with Clark Creek.	None	+545	
Clark Creek Tributary 6	At the confluence with Clark Creek	None	+539	York County (Unincorporated Areas).
	Approximately 1,800 feet upstream of the confluence with Clark Creek.	None	+567	
Clark Creek Tributary 8	At the confluence with Clark Creek	None	+543	York County (Unincorporated Areas).
	Approximately 1,490 feet upstream of the confluence with Clark Creek.	None	+569	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Clinton Branch	Approximately 2,160 feet downstream of the confluence of Clinton Branch Tributary 1.	None	+513	York County (Unincorporated Areas).
	Approximately 2,280 feet downstream of Mount Holly Road.	None	+612	
Clinton Branch Tributary 1.	At the confluence of Clinton Branch	None	+522	York County (Unincorporated Areas).
	Approximately 3,230 feet upstream of the confluence with Clinton Branch.	None	+548	
Conrad Creek	Approximately 2,160 feet downstream of the confluence of Conrad Creek Tributary 1.	None	+551	York County (Unincorporated Areas).
	Approximately 6,120 feet upstream of the confluence of Conrad Creek Tributary 5.	None	+638	
Conrad Creek Tributary 1.	At the confluence with Conrad Creek	None	+554	York County (Unincorporated Areas).
	Approximately 4,450 feet upstream of the confluence with Conrad Creek.	None	+581	
Conrad Creek Tributary 2.	At the confluence with Conrad Creek	None	+568	York County (Unincorporated Areas).
	Approximately 1,540 feet upstream of Lowrys Road.	None	+616	
Conrad Creek Tributary 3.	At the confluence with Conrad Creek	None	+567	York County (Unincorporated Areas).
	Approximately 4,470 feet upstream of the confluence with Conrad Creek.	None	+601	
Conrad Creek Tributary 4.	At the confluence with Conrad Creek	None	+583	York County (Unincorporated Areas).
	Approximately 5,450 feet upstream of the confluence with Conrad Creek.	None	+613	
Conrad Creek Tributary 5.	At the confluence with Conrad Creek	None	+592	York County (Unincorporated Areas).
	Approximately 6,190 feet upstream of the confluence with Conrad Creek.	None	+640	
Creekside Branch	At the confluence with Langham Branch	None	+588	York County (Unincorporated Areas), City of York.
	Approximately 665 feet upstream of the confluence of Creekside Branch Tributary 1.	None	+649	
Creekside Branch Tributary No. 1.	At the confluence with Creekside Branch ..	None	+647	York County (Unincorporated Areas), City of York.
	Approximately 300 feet south of the intersection of Benfield Avenue and Lynwood Circle.	None	+681	
Creekside Branch Tributary No. 2.	At the confluence with Creekside Branch ..	None	+637	York County (Unincorporated Areas).
	Approximately 3,810 feet upstream of the confluence of Creekside Branch Tributary 7.	None	+674	
Creekside Branch Tributary No. 4.	At the confluence with Creekside Branch ..	None	+602	York County (Unincorporated Areas).
	Approximately 2,905 feet upstream of the confluence of Creekside Branch Tributary 7.	None	+616	
Creekside Branch Tributary No. 5.	At the confluence with Creekside Branch ..	None	+637	York County (Unincorporated Areas), City of York.
	Approximately 1,290 feet upstream of the confluence of Creekside Branch.	None	+640	
Creekside Branch Tributary No. 6.	At the confluence with Creekside Branch ..	None	+639	York County (Unincorporated Areas).
	Approximately 1.630 feet upstream of the confluence of Creekside Branch.	None	+644	
Creekside Branch Tributary No. 7.	At the confluence with Creekside Branch Tributary No. 2.	None	+637	York County (Unincorporated Areas).
	Approximately 930 feet upstream of the confluence of Creekside Branch Tributary 2.	None	+638	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Crowders Creek	At the confluence with Lake Wylie	None	+570	York County (Unincorporated Areas).
	Approximately 2,800 feet upstream of confluence of Crowder Creek Tributary 1.	None	+618	
Crowders Creek Tributary 1.	At the confluence with Crowders Creek	None	+615	York County (Unincorporated Areas).
	Approximately 1,980 feet upstream of confluence with Crowder Creek.	None	+622	
Crowders Creek Tributary 2.	At the confluence with Crowders Creek	None	+575	York County (Unincorporated Areas).
	Approximately 4,100 feet upstream of confluence with Crowder Creek.	None	+597	
Crowders Creek Tributary 3.	Approximately 6,810 feet downstream of Colonial Road.	None	+641	York County (Unincorporated Areas).
	Approximately 4,430 feet downstream of Colonial Road.	None	+654	
Diggers Branch	At the confluence with Clark Creek	None	+556	York County (Unincorporated Areas).
	Approximately 2,260 feet upstream of Jenkins Road.	None	+649	
Dry Fork	At the confluence with Turkey Creek	None	+482	York County (Unincorporated Areas).
	Approximately 150 feet downstream of Sharon Road.	None	+521	
Dry Fork Tributary 1	At the confluence of Dry Fork	None	+488	York County (Unincorporated Areas), Town of Fort Mill.
	Approximately 130 feet downstream of Sharon Road.	None	+510	
Dye Branch	At the confluence with Catawba River	None	+507	York County (Unincorporated Areas).
	Approximately 1,425 feet downstream of Harris Road.	None	+531	
Ferry Branch	At the confluence with Catawba River	None	+475	York County (Unincorporated Areas).
	Approximately 3,540 feet upstream of Ferry Branch Tributary 3.	None	+612	
Ferry Branch Tributary 2.	At the confluence with Ferry Branch	None	+533	York County (Unincorporated Areas).
	Approximately 1,450 feet downstream of Reservation Road.	None	+555	
Ferry Branch Tributary 3.	At the confluence with Ferry Branch	None	+568	York County (Unincorporated Areas).
	Approximately 470 feet downstream of Cureton Ferry Road.	None	+577	
Fishing Creek	Approximately 2,470 feet downstream of the confluence of a unnamed tributary to Fishing Creek.	None	+486	York County (Unincorporated Areas), City of Rock Hill, City of York.
	Approximately 760 feet upstream of Lincoln Road.	None	+656	
Fishing Creek Tributary	At the confluence with Fishing Creek	None	+547	York County (Unincorporated Areas).
	Approximately 2,925 feet upstream of Zinker Road.	None	+605	
Fishing Creek Tributary 1.	At the confluence with Fishing Creek	None	+642	York County (Unincorporated Areas), City of York.
	At Lincoln Road	None	+710	
Fishing Creek Tributary 1A.	At the confluence with Fishing Creek Tributary 1.	None	+677	City of York.
	At Ross Cannon Street	None	+704	
Fishing Creek Tributary 1B.	At the confluence with Fishing Creek Tributary 1.	None	+686	City of York.
	At Hall Street	None	+705	
Fishing Creek Tributary 2.	At the confluence with Fishing Creek	None	+595	York County (Unincorporated Areas).
	Approximately 1,640 feet southeast of the intersection of Country Trail Road and Ernest Road.	None	+636	
Fishing Creek Tributary 3.	At the confluence with Fishing Creek	None	+643	York County (Unincorporated Areas), City of York.
	Approximately 2,890 feet upstream of Alexander Love Hwy East.	None	+693	
Fishing Creek Tributary 4.	At the confluence with Fishing Creek	None	+532	York County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 50 feet downstream of Oak Park Road.	None	+546	
Fishing Creek Tributary 5.	At the confluence with Fishing Creek	None	+540	York County (Unincorporated Areas).
	Approximately 1,985 feet upstream of the confluence of Fishing Creek Tributary 7.	None	+598	
Fishing Creek Tributary 6.	At the confluence with Fishing Creek Tributary 5.	None	+563	York County (Unincorporated Areas).
	Approximately 490 feet downstream of Highwood Road.	None	+604	
Fishing Creek Tributary 7.	At the confluence with Fishing Creek Tributary 5.	None	+571	York County (Unincorporated Areas).
	Approximately 1,255 feet upstream of the confluence with Fishing Creek Tributary 5.	None	+596	
Fishing Creek Tributary 8.	At the confluence with Fishing Creek Tributary 6.	None	+580	York County (Unincorporated Areas).
	Approximately 450 feet upstream of Highwood Road.	None	+597	
Fishing Creek Tributary 9.	At the confluence with Fishing Creek	None	+623	York County (Unincorporated Areas).
	Approximately 790 feet upstream of Trotter Place.	None	+660	
Fishing Creek Tributary 10.	At the confluence with Fishing Creek	None	+614	York County (Unincorporated Areas), City of York.
	Approximately 50 feet northeast of the end of Cricket Run.	None	+631	
Fishing Creek Tributary 11.	At the confluence with Fishing Creek	None	+554	York County (Unincorporated Areas).
	Approximately 2,550 feet upstream of Turkey Farm Road.	None	+580	
Fishing Creek Tributary 12.	At the confluence with Fishing Creek	None	+565	York County (Unincorporated Areas).
	Approximately 2,605 feet upstream of the confluence with Fishing Creek.	None	+575	
Fishing Creek Tributary 13.	At the confluence with Fishing Creek	None	+567	York County (Unincorporated Areas).
	Approximately 2,780 feet upstream of the confluence with Fishing Creek.	None	+584	
Fishing Creek Tributary 14.	At the confluence with Fishing Creek	None	+569	York County (Unincorporated Areas).
	Approximately 3,690 feet upstream of the confluence with Fishing Creek.	None	+600	
Fishing Creek Tributary 15.	At the confluence with Fishing Creek	None	+575	York County (Unincorporated Areas).
	Approximately 1,650 feet upstream of the confluence with Fishing Creek.	None	+594	
Fishing Creek Tributary 16.	At the confluence with Fishing Creek Tributary 2.	None	+617	York County (Unincorporated Areas).
	Approximately 3,150 feet upstream of the confluence with Fishing Creek Tributary 2.	None	+675	
Gin Branch	At the confluence with Bullock Creek	None	+598	York County (Unincorporated Areas).
	Approximately 70 feet downstream of Bush Road.	None	+639	
Grist Branch	At the confluence with Big Allison Creek ...	None	+610	York County (Unincorporated Areas).
	Approximately 60 feet downstream of Wood Drive.	None	+625	
Guyon Moore Creek	At the confluence with Broad River	None	+446	York County (Unincorporated Areas).
	Approximately 7,370 feet upstream of the confluence of Guyon Moore Creek.	None	+597	
Guyon Moore Creek Tributary 1.	At the confluence with Guyon Moore Creek	None	+538	York County (Unincorporated Areas).
	Approximately 1,980 feet upstream of the confluence with Guyon Moore Creek.	None	+558	
Haggins Branch	At the confluence with Catawba River	None	+483	York County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 394 feet upstream of Greenwood Road.	None	+557	
Hidden Creek	At the confluence with Catawba River	None	+511	York County (Unincorporated Areas), City of Rock Hill.
	Just downstream of Riverview Road	None	+563	
Jennings Branch	At the confluence with Clark Creek	None	+673	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 4,280 feet upstream of the confluence with Clark Creek.	None	+683	
Johnson Branch	At the confluence with Rock Branch	None	+608	York County (Unincorporated Areas).
	Approximately 1,440 feet downstream of Lincoln Road.	None	+626	
Jones Branch	At the confluence with Dye Branch	None	+515	York County (Unincorporated Areas).
	Approximately 280 feet downstream of Harris Road.	None	+582	
Kings Creek	At the confluence with Broad River	None	+493	York County (Unincorporated Areas).
	Approximately 5,330 feet upstream of River Road.	None	+515	
Kirkpatrick Branch	At the confluence with Bullock Creek	None	+436	York County (Unincorporated Areas).
	Approximately 1,600 feet downstream of Lockhart Road.	None	+472	
Lake Wylie		None	+570	York County (Unincorporated Areas), City of Tega Cay.
Langham Branch	At the confluence with Fishing Creek	None	+573	York County (Unincorporated Areas), City of York.
	Approximately 250 feet downstream of Liberty Street East.	None	+668	
Langham Branch Tributary 2.	At the confluence with Langham Branch	None	+587	York County (Unincorporated Areas).
	Approximately 1,890 feet upstream of the confluence with Langham Branch.	None	+598	
Leroy Branch	At the confluence with Steele Creek	None	+526	York County (Unincorporated Areas) Town of Fort Mill.
	Approximately 175 feet upstream of the confluence of Leroy Branch Tributary 1.	None	+562	
Leroy Branch Tributary 1.	At the confluence with Leroy Branch	None	+561	Town of Fort Mill.
	Approximately 1,000 feet upstream of the confluence with Leroy Branch.	None	+574	
Lindsey Creek	At the confluence with Wright Creek	None	+496	York County (Unincorporated Areas).
	Approximately 610 feet upstream of Larchwood Road.	None	+605	
Lindsey Creek Tributary 1.	At the confluence with Lindsey Creek	None	+572	York County (Unincorporated Areas).
	Approximately 990 feet downstream of Larchwood Road.	None	+600	
Little Allison Creek	At the confluence with Lake Wylie	None	+570	York County (Unincorporated Areas).
	Approximately 1,990 feet downstream of Charlotte Hwy.	None	+720	
Little Allison Creek Tributary 1.	At the confluence of Little Allison Creek	None	+619	York County (Unincorporated Areas).
	Approximately 840 feet upstream of Tirzah Road Extension.	None	+652	
Little Allison Creek Tributary 2.	At the confluence of Little Allison Creek	None	+602	York County (Unincorporated Areas).
	Approximately 50 feet downstream of Harper Road.	None	+621	
Little Dutchman Tributary 1A.	Just upstream of Ebingport Road	None	+572	City of Rock Hill.
	Approximately 205 feet upstream of Roundtree Circle.	None	+587	
Little Turkey Creek	At the confluence with Turkey Creek	None	+420	York County (Unincorporated Areas).
	Approximately 4,120 feet upstream of Garvin Road.	None	+511	
Little Turkey Creek Tributary 1.	At the confluence with Little Turkey Creek	None	+572	York County (Unincorporated Areas).
	Approximately 2,790 feet upstream of the confluence with Little Turkey Creek.	None	+600	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Love Creek	At the confluence with South Fork Fishing Creek.	None	+534	York County (Unincorporated Areas), Town of McConnells.
	Approximately 1,690 feet upstream of McConnels Hwy.	None	+617	
Love Creek Tributary 1	At the confluence with Love Creek	None	+561	York County (Unincorporated Areas).
	Approximately 100 feet downstream of McConnells Hwy.	None	+617	
Loves Creek	At the confluence with Bullock Creek	None	+436	York County (Unincorporated Areas), Town Hickory Grove.
	Just downstream of Smith Street	None	+620	
Loves Creek Tributary 1	At the confluence with Loves Creek	None	+510	York County (Unincorporated Areas).
	Approximately 100 feet upstream of Howells Ferry Road.	None	+552	
Loves Creek Tributary 2	At the confluence with Loves Creek	None	+493	York County (Unincorporated Areas).
	Approximately 2,630 feet upstream of Howells Ferry Road.	None	+516	
Manchester Creek	Approximately 790 feet downstream of the confluence of Manchester creek Tributary 1.	*516	+515	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 1,390 feet upstream of Mt. Gallant Road East.	*549	+549	
Manchester Creek Tributary 1.	At the confluence with Manchester Creek ..	*517	+518	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 2,110 feet upstream of David Lyle Boulevard.	*532	+531	
Manchester Creek Tributary 1.	Approximately 1,855 feet upstream of Evelyn Street.	*548	+548	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 3,195 feet upstream of Evelyn Street.	None	+561	
Manchester Creek Tributary 2.	Approximately 2,260 feet upstream of Poe Street.	None	+609	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 3,750 feet upstream of Poe Street.	None	+628	
Manchester Creek Tributary 3.	Approximately 250 feet downstream of Eastwood Drive.	None	+604	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 50 feet downstream of Pearl Street.	None	+609	
McClures Branch	At the confluence with Little Turkey Creek	None	+455	York County (Unincorporated Areas).
	Approximately 4,390 feet upstream of the confluence of McClures Branch Tributary 1.	None	+545	
McClures Branch Tributary 1.	At the confluence of McClures Branch	None	+509	York County (Unincorporated Areas).
	Approximately 2,560 feet upstream of the confluence of McClures Branch.	None	+528	
Mill Creek	At the confluence with Lake Wylie	None	+570	York County (Unincorporated Areas).
	Approximately 410 feet upstream of Riddle Mill Road.	None	+656	
Mill Creek Tributary 1 ...	At the confluence with Mill Creek	None	+379	York County (Unincorporated Areas).
	Approximately 1,360 feet downstream of Valley View Drive Road.	None	+593	
Mill Creek Tributary 2 ...	At the confluence with Mill Creek	None	+595	York County (Unincorporated Areas).
	Approximately 410 feet northwest of the intersection of Shagbark Land and Pine Lake Road.	None	+631	
Mitchell Branch	At the confluence of Bullock Creek	None	+448	York County (Unincorporated Areas).
	Approximately 6,370 feet upstream of Sherer Road.	None	+587	
Mooneys Hill Branch	At the confluence with Catawba River	None	+500	York County (Unincorporated Areas), Town of Fort Mill.
	Approximately 1,045 feet downstream of Spratts Branch.	None	+573	
Mooneys Hill Branch Tributary 1.	At the confluence of Mooneys Hill Branch	None	+500	York County (Unincorporated Areas).
	Approximately 2,875 feet upstream of the confluence with Mooneys Hill Branch.	None	+537	
Morris Branch	At the confluence with Big Allison Creek ...	None	+646	York County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 3,810 feet upstream of Smith Road.	None	+688	
Mud Creek	At the confluence with Broad River	None	+448	York County (Unincorporated Areas).
	Approximately 100 feet upstream of Martin Road.	None	+526	
Neelys Creek	Approximately 6,330 feet downstream of Pitts Road.	None	+506	York County (Unincorporated Areas).
	Approximately 180 feet upstream of Hovis Road.	*None	+629	
Palmer Branch	At the confluence with Rainey Branch	None	+406	York County (Unincorporated Areas).
	Approximately 5,120 feet upstream of the confluence with Rainey Branch.	None	+417	
Plexico Branch	At the confluence with Bullock Creek	None	+444	York County (Unincorporated Areas).
	Approximately 5,620 feet upstream of Hoodtown Road.	None	+513	
Rainey Branch	Approximately 2,200 feet downstream of the confluence of Palmer Branch.	None	+392	York County (Unincorporated Areas).
	Approximately 6,070 feet upstream of the confluence of Rainey Branch Tributary 1.	None	+485	
Rainey Branch Tributary 1.	At the confluence with Rainey Branch	None	+420	York County (Unincorporated Areas).
	Approximately 2,040 feet upstream of the confluence with Rainey Branch.	None	+433	
Rock Branch	At the confluence with Big Allison Creek	None	+596	York County (Unincorporated Areas).
	Approximately 300 feet upstream of Lincoln Road.	None	+635	
Rocky Branch	At the confluence with Bullock Creek	None	+543	York County (Unincorporated Areas).
	Approximately 5,030 feet upstream of Turner Road.	None	+686	
Rocky Branch Tributary 1.	At the confluence with Rocky Branch	None	+558	York County (Unincorporated Areas).
	Approximately 3,530 feet upstream of the confluence with Rocky Branch.	None	+601	
Ross Branch	At the confluence with Turkey Creek	None	+542	York County (Unincorporated Areas).
	Approximately 4,460 feet upstream of Longleaf Road.	None	+636	
Ross Branch Tributary	At the confluence with Ross Branch	None	+602	York County (Unincorporated Areas).
	Approximately 8,030 feet upstream of the confluence with Ross Branch.	None	+723	
Ross Branch Tributary 1	At the confluence with Ross Branch	None	+626	York County (Unincorporated Areas).
	Approximately 3,660 feet upstream of the confluence with Ross Branch.	None	+642	
Ross Branch Tributary 3	At the confluence with Ross Branch	None	+615	York County (Unincorporated Areas).
	Approximately 2,180 feet upstream of Fleetwood Road.	None	+703	
Ross Branch Tributary 4	At the confluence with Ross Branch	None	+606	York County (Unincorporated Areas).
	Approximately 720 feet upstream of Sharon Road.	None	+621	
Rum Branch	Approximately 1,510 feet downstream of Antler Drive.	None	+508	York County (Unincorporated Areas).
	Approximately 200 feet downstream of Neelys Creek.	None	+590	
Rum Branch Tributary 1	At the confluence with Rum Branch	None	+551	York County (Unincorporated Areas).
	Approximately 1,050 feet southwest of the intersect of Brer Rabbit and Carrie Estates Drive.	None	+597	
Rum Branch Tributary 2	At the confluence with Rum Branch Tributary 1.	None	+551	York County (Unincorporated Areas).
	Approximately 1,790 feet upstream of the Railroad crossing.	None	+589	
Silver Creek	At the confluence with Buck Horn Creek	None	+508	York County (Unincorporated Areas).
	Approximately 5,140 feet upstream of Sierra Road.	None	+656	
Six Mile Creek	At the confluence with Catawba River	None	+478	York County (Unincorporated Areas).
	Approximately 1,350 feet downstream of George Dunn Road.	None	+494	
Six Mile Creek Tributary 2.	At the confluence of Six Mile Creek	None	+481	York County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 2,460 feet upstream of the confluence with Six Mile Creek.	None	+487	
South Fork Crowder Creek.	Approximately 3,360 feet downstream of Lloyd Wright Road.	None	+665	York County (Unincorporated Areas).
	Approximately 720 feet upstream of Battleground Road.	None	+778	
South Fork Crowder Creek Tributary I.	At the confluence with South Fork Crowders Creek.	None	+677	York County (Unincorporated Areas).
	Approximately 2,030 feet upstream of the confluence with South Fork Crowders Creek.	None	+706	
South Fork Crowder Creek Tributary 2.	At the confluence with South Fork Crowders Creek.	None	+688	York County (Unincorporated Areas).
	Approximately 410 feet downstream of Whiteside Road.	None	+708	
South Fork Fishing Creek.	Approximately 3,210 feet downstream of the confluence of South Fishing Creek Tributary 1.	None	+519	York County (Unincorporated Areas).
	Approximately 1,080 feet upstream of Brattonville Road.	None	+634	
South Fork Fishing Creek Tributary 1.	At the confluence with South Fork Fishing Creek.	None	+525	York County (Unincorporated Areas).
	Approximately 4,350 feet upstream of Chappell Road East.	None	+543	
South Fork Fishing Creek Tributary 2.	At the confluence with South Fork Fishing Creek.	None	+525	
	Approximately 4,790 feet upstream of the confluence with South Fork Fishing Creek.	None	+545	
South Fork Fishing Creek Tributary 3.	At the confluence with South Fork Fishing Creek.	None	+548	York County (Unincorporated Areas).
	Approximately 2,380 feet upstream of the confluence with South Fork Road.	None	+571	
South Fork Fishing Creek Tributary 4.	At the confluence with South Fork Fishing Creek.	None	+558	York County (Unincorporated Areas).
	Approximately 2,450 feet upstream of the confluence with South Fork Fishing Creek.	None	+583	
South Fork Fishing Creek Tributary 5.	Approximately 3,570 feet downstream of Chappell Road East.	None	+516	York County (Unincorporated Areas).
	Approximately 2,230 feet downstream of Chappell Road East.	None	+517	
South Fork Fishing Creek Tributary 6.	Just upstream of Chappell Road East	None	+513	York County (Unincorporated Areas).
	Approximately 2,800 feet downstream of Border Road West.	None	+525	
Stoney Fork	At the confluence of Fishing Creek	None	+495	York County (Unincorporated Areas).
	Approximately 5,740 feet upstream of Moore Road.	None	+656	
Stoney Fork Tributary 1	At the confluence of Stoney Fork	None	+501	York County (Unincorporated Areas).
	Approximately 3,000 feet upstream of Williamson Road.	None	+535	
Stoney Fork Tributary 2	At the confluence of Stoney Fork	None	+523	York County (Unincorporated Areas).
	Approximately 2,200 feet upstream of Ogden Road.	None	+634	
Stoney Fork Tributary 3	At the confluence of Stoney Fork	None	+551	York County (Unincorporated Areas).
	Approximately 5,290 feet upstream of the confluence iwth Stoney Fork.	None	+580	
Stoney Fork Tributary 4	At the confluence of Stoney Fork	None	+563	York County (Unincorporated Areas).
	Approximately 2,370 feet upstream of Faires Road.	None	+605	
Sugar Creek Tributary 2	At the confluence with Sugar Creek	None	+496	York County (Unincorporated Areas).
	Approximately 770 feet southest of the intersection of Bobys Bridge Road and Whites Road.	None	+627	
Susybole Creek	Approximately 3,600 feet downstream of the confluence with Carter Branch.	None	+455	York County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 9,180 feet upstream of Buris Road South.	None	+506	
Taylors Creek	At the confluence with Fishing Creek	None	+502	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 335 feet downstream of Firetower Road.	None	+569	
Taylors Creek Tributary 1.	At the confluence with Taylors Creek	None	+521	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 210 feet downstream of Glendarden Avenue.	None	+569	
Taylors Creek Tributary 2.	At the confluence with Taylors Creek	None	+535	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 105 feet downstream of Albright Road.	None	+549	
Taylors Creek Tributary 3.	At the confluence with Taylors Creek	None	+548	York County (Unincorporated Areas).
	Approximately 1,410 feet upstream of Taylors Creek Road.	None	+586	
Thompson Branch	At the confluence with Bullock Creek	None	+466	York County (Unincorporated Areas).
	Approximately 2,190 feet upstream of Walnut Street Extension.	None	+513	
Thompson Branch Tributary 1.	At the confluence with Thompson Branch ..	None	+473	York County (Unincorporated Areas).
	Approximately 1,130 feet downstream of Sawmill Road.	None	+489	
Tools Fork Creek	Approximately 750 feet upstream of York Hwy.	None	+583	York County (Unincorporated Areas).
	Approximately 1,950 feet upstream of Mt. Gallant Road West.	None	+615	
Tools Fork Creek Tributary.	At the confluence with Tools Fork Creek ...	None	+581	York County (Unincorporated Areas).
	Approximately 1,390 feet downstream of Old York Road.	None	+636	
Tools Fork Creek Tributary 2.	At the confluence with Tools Fork Creek ...	None	+597	York County (Unincorporated Areas).
	Approximately 230 feet downstream of Tirzah Road.	None	+608	
Tools Fork Creek Tributary 3.	At the confluence with Tools Fork Creek Tributary 1.	None	+583	York County (Unincorporated Areas).
	Approximately 155 feet downstream of Pine Grove Court.	None	+599	
Turkey Creek	Approximately 1,390 feet downstream of the confluence of Blue Branch.	None	+397	York County (Unincorporated Areas), City of York.
	Approximately 5,410 feet upstream of Springlake Road.	None	+694	
Turkey Creek Tributary 1.	At the confluence with Turkey Creek	None	+581	York County (Unincorporated Areas).
	Approximately 1,075 feet upstream of the confluence with Turkey Creek.	None	+636	
Turkey Creek Tributary 2.	At the confluence with Turkey Creek	None	+668	York County (Unincorporated Areas).
	Approximately 2,845 feet upstream of James Harvey Road.	None	+707	
Turkey Creek Tributary 3.	At the confluence with Turkey Creek	None	+661	York County (Unincorporated Areas).
	Approximately 475 feet upstream of the confluence with Turkey Creek.	None	+680	
Turkey Creek Tributary 4.	At the confluence with Turkey Creek	None	+653	York County (Unincorporated Areas).
	Approximately 105 feet upstream of Tanager Drive.	None	+666	
Turkey Creek Tributary 5.	At the confluence with Turkey Creek	None	+649	York County (Unincorporated Areas).
	Approximately 1,005 feet upstream of the confluence with Turkey Creek.	None	+671	
Turkey Creek Tributary 6.	At the confluence with Turkey Creek	None	+617	York County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 1,660 feet upstream of the confluence with Turkey Creek.	None	+656	
Turkey Creek Tributary 7.	At the confluence with Turkey Creek	None	+477	York County (Unincorporated Areas).
	Approximately 5,130 feet upstream of the confluence with Turkey Creek.	None	+572	
Turkey Creek Tributary 8.	At the confluence with Turkey Creek	None	+437	York County (Unincorporated Areas).
	Approximately 6,360 feet upstream of the confluence with Turkey Creek.	None	+477	
Turkey Creek Tributary 9.	At the confluence with Turkey Creek Tributary 8.	None	+436	York County (Unincorporated Areas).
	Approximately 1,760 feet upstream of the confluence with Turkey Creek Tributary 8.	None	+452	
Turkey Creek Tributary 10.	At the confluence with Turkey Creek	None	+427	York County (Unincorporated Areas).
	Approximately 4,510 feet upstream of Feemster Road.	None	+481	
Turkey Creek Tributary 11.	At the confluence with Turkey Creek	None	+408	York County (Unincorporated Areas).
	Approximately 9,360 feet upstream of the confluence with Turkey Creek.	None	+447	
Turkey Creek Tributary 12.	At the confluence with Turkey Creek	None	+407	York County (Unincorporated Areas).
	Approximately 300 feet downstream of Burris Road North.	None	+444	
Turkey Creek Tributary 13.	At the confluence with Turkey Creek	None	+400	York County (Unincorporated Areas).
	Approximately 6,690 feet upstream of the confluence with Turkey Creek.	None	+443	
Turkey Creek Tributary 14.	At the confluence with Turkey Creek	None	+399	York County (Unincorporated Areas).
	Approximately 6,450 feet upstream of the confluence with Turkey Creek.	None	+426	
Walker Branch	At the confluence with Calabash Branch ...	None	+637	York County (Unincorporated Areas), Town of Clover.
	Approximately 3,530 feet upstream of St. Paul Church Road.	None	+727	
Wildcat Creek	At the confluence with Fishing Creek	None	+520	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 675 downstream of Odgen Road.	None	+532	
Wildcat Creek	At McConnells Hwy	None	+558	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 890 feet upstream of Heckle Boulevard.	None	+680	
Wildcat Creek Tributary 1.	At the confluence with Wildcat Creek	None	+544	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 330 feet downstream of the confluence with Wildcat Creek Tributary 1–A.	None	+574	
Wildcat Creek Tributary 1–A.	At the confluence with Wildcat Creek Tributary 1.	None	+575	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 75 feet downstream of Finley Road.	None	+590	
Wildcat Creek Tributary 2.	At the confluence with Wildcat Creek	None	+549	York County (Unincorporated Areas), City of Rock Hill.
	Approximately 1,495 feet downstream of McConnells Hwy.	None	+556	
Wildcat Creek Tributary 3.	At the confluence with Wildcat Creek	None	+547	York County (Unincorporated Areas).
	Approximately 355 feet upstream of Reese Roach Road.	None	+593	
Wildcat Creek Tributary 4.	At the confluence with Wildcat Creek	None	+558	York County (Unincorporated Areas), City of Rock Hill.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 560 feet downstream of Herlong Avenue South.	None	+606	
Wildcat Creek Tributary 5.	At the confluence with Wildcat Creek	None	+577	York County (Unincorporated Areas).
	Approximately 510 feet upstream of Hollis Lakes Road.	None	+632	
Wolf Creek	At the confluence with Kings Creek	None	+456	City of Rock Hill.
	At the Cherokee/York County Boundary	None	+640	
Wright Creek	At the confluence with Little Turkey Creek	None	+496	York County (Unincorporated Areas).
	Approximately 680 feet upstream of the confluence with Lindsay Creek.	None	+558	

Depth in feet above ground.
* National Geodetic Vertical Datum.
+ National American Vertical Datum.

ADDRESSES

Unincorporated Areas of York County

Maps are available for inspection at 6 South Congress Street, York, SC 29745.

Send comments to Alfred W. Greene, County Manager, York County, P.O. Box 66, York, SC 29745–0066.

Catawba Indian Nation

Maps are available for inspection at 996 Avenue of the Nation, Rock Hill, SC 29730.

Send comments to Chief Gilbert Blue, Catawba Indian Nation, 996 Avenue of the Nation, Rock Hill, SC 29730.

Town of Clover

Maps are available for inspection at 114 Bethel Street, Clover, SC 29710–0181.

Send comments to the Honorable Donnie D. Grice, Mayor, Town of Clover, P.O. Box 181, Clover, SC 29710–0181.

Town of Fort Mill

Maps are available for inspection at 112 Confederate Street, Fort Mill, SC 29715–0159.

Send comments to the Honorable Charles E. Powers, Mayor, Town of Fort Mill, P.O. Box 159, Fort Mill, SC 29715–0159.

Town of Hickory Grove

Maps are available for inspection at 6001 Wylie Avenue, Hickory Grove, SC 29717–0126.

Send comments to the Honorable Larry A. Earl, Mayor, Town of Hickory Grove, P.O. Box 126, Hickory Grove, SC 29717–0126.

Town of McConnells

Maps are available for inspection at 4178 Chester Highway, McConnells, SC 29726–0115.

Send comments to the Honorable H. John Harshaw, Jr., Mayor, Town of McConnells, P.O. Box 115, McConnells, SC 29726–0115.

City of Rock Hill

Maps are available for inspection at 155 Johnson Street, Rock Hill, SC 29731–1706.

Send comments to the Honorable Douglas Echols, Mayor, City of Rock Hill, P.O. Box 11706, Rock Hill, SC 29731–1706.

City of Tega Cay

Maps are available for inspection at 7000 Tega Cay Drive, Tega Cay, SC 29708–3399.

Send comments to the Honorable Robert C. Runde, Mayor, City of Tega Cay, P.O. Box 3399, Tega Cay, SC 29708–3399.

City of York

Maps are available for inspection at 10 North Roosevelt Street, York, SC 29745–0500.

Send comments to the Honorable J. Edward Lee, Mayor, City of York, P.O. Box 500, York, SC 29745–0500.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 6, 2006.

David I. Maurstad,

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

[FR Doc. E6–11394 Filed 7–18–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–P–7919]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., CFM, Acting Section Chief, Engineering Management Section, Mitigation Division, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a). These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed 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.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues 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, § 67.4.

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	+ Elevation in feet (NGVD) * Elevation in feet(NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Bossier Parish, Louisiana (Unincorporated Areas)				
Alligator Bayou	At the confluence with Flat River	*163	*160	City of Bossier City.
	Approximately 1,550 feet downstream of U.S. Highway 79/80 Eastbound.	*163	*162	
Benoit Bayou	At the confluence with Macks Bayou Segment G and Macks Bayou Segment H.	*166	*168	City of Bossier City, Bossier Parish, (Unincorporated Areas).
	Approximately 12,520 feet upstream of Brownless Road.	None	*173	
Bossier Ditch	Approximately 60 feet upstream of the confluence with Cooper Bayou and Macks Bayou Segment F.	*160	*159	City of Bossier City.
	Approximately 180 feet upstream of Benton Road.	None	*170	
Fifi Bayou	Just upstream of U.S. Interstate 20	None	*174	Bossier Parish (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	+ Elevation in feet (NGVD) * Elevation in feet(NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 9,000 feet upstream of Windfield Road.	None	*190	
Flat River	Just upstream of State Route 527	None	*154	City of Bossier City, Bossier Parish (Unincorporated Areas).
	Approximately 500 feet upstream of U.S. Interstate 220 Westbound.	*165	*164	
Flat River Drainage Canal.	Just upstream of Coy Road	*166	*165	City of Bossier City, Bossier Parish (Unincorporated Areas).
	Approximately 400 feet upstream of Airline Drive.	*173	*174	
Flat River (Upper Reach).	Approximately 540 feet upstream of the confluence with Flat River Drainage Canal.	*176	*175	Bossier Parish (Unincorporated Areas).
	Approximately 4,830 feet upstream of the confluence of Willow Chute Lateral.	*179	*177	
Herndon Ditch	At the confluence with Flat River	*156	*158	City of Bossier City, Bossier Parish (Unincorporated Areas).
	Approximately 1,300 feet downstream of the confluence of Macks Bayou Segment B.	*157	*158	
Lake Bistineau	Entire shoreline within Bossier Parish	None	*148	Bossier Parish (Unincorporated Areas).
Macks Bayou Segment A.	At the confluence with Flat River	*156	*157	City of Bossier City, Bossier Parish (Unincorporated Areas).
	Approximately 25 feet upstream of Golden Meadows Drive.	*156	*157	
Macks Bayou Segment E.	Approximately 1,025 feet upstream of the confluence with Bossier Ditch.	*162	*163	City of Bossier City.
	Approximately 2,010 feet upstream of the confluence with Bossier Ditch.	*162	*163	
Macks Bayou Segment G.	Approximately 800 feet upstream of Kansas City Southern Railray.	*166	*167	City of Bossier City.
	At the confluence with Benoit Bayou and junction with Macks Bayou Segment H.	*166	*168	
Macks Bayou Segment H.	Approximately 190 feet upstream of the confluence with Flat River.	*165	*168	City of Bossier City, Bossier Parish (Unincorporated Areas).
	At the confluence of Benoit Bayou and divergence of Macks Bayou Segment G.	*166	*168	
Racetrack Bayou	At the confluence with Willow Chute	None	*166	City of Bossier City.
	At U.S. Interstate 220 Westbound and divergence from Macks Bayou Segment H.	*166	*168	
Red Chute Bayou	Approximately 12,400 feet upstream of Smith Road.	None	*154	City of Bossier City, Bossier Parish (Unincorporated Areas).
	Approximately 4,050 feet upstream of Dogwood Trail.	*165	*169	
Willow Chute Lateral	At the confluence with Flat River	*178	*177	Bossier Parish (Unincorporated Areas).
	Approximately 4,930 feet upstream of the confluence with Flat River (Upper Reach).	*178	*177	

ADDRESSES

City of Bossier City, Bossier Parish, Louisiana

Maps are available for inspection at City Hall, 620 Benton Road, Bossier City, Louisiana.

Send comments to The Honorable Lorenz ''Lo'' Walker, Mayor, City of Bossier City, City Hall, 620 Benton Road, Bossier City, Louisiana 71111.

Bossier Parish, Louisiana (Unincorporated Areas)

Maps are available for inspection at the Police Jury Office, 204 Burt Boulevard, Room 108, Benton, Louisiana.

Send comments to The Honorable William R. Altimus, Bossier Parish Administrator, Post Office Box 70, 204 Burt Boulevard, Room 108, Benton, Louisiana 71006.

* North American Veritical Datum of 1988.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: July 6, 2006.

David I. Maurstad,

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

[FR Doc. E6–11391 Filed 7–18–06; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. P–7915]

Proposed Flood Elevation Determinations

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Enginering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Federal Emergency Management Agency certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed 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.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet ♦(NAVD)	
				Existing	Modified
NE	Omaha (City) (Douglas County).	Candlewood Lake	Entire Shoreline	None	♦1,096

ADDRESS

Maps are available for inspection at City Hall, 1819 Farnum Street, Omaha, Nebraska.

Send comments to The Honorable Mike Fahey, Mayor, City of Omaha, 1819 Farnam Street, Third Floor, Omaha, Nebraska 68183.

♦ North American Vertical Datum of 1988.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: June 29, 2006.

David I. Maurstad,

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

[FR Doc. E6–11387 Filed 7–18–06; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–1303; MB Docket No. 05–310; RM–11292, RM–11300, RM–11314]

Radio Broadcasting Services; Effingham, and Holton, KS; Humboldt and Pawnee City, NE and Valley Falls, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses: (1) A petition for rule making filed by Cumulus Licensing, LLC (''Cumulus'') to substitute Channel 245C2 for Channel 244A at Humboldt, Nebraska, reallot Channel 245C2 to Valley Falls, Kansas, and allot Channel 256A at Pawnee City, Nebraska; (2) a counterproposal filed by Cumulus to substitute Channel 245C2 for Channel 244A at Humboldt, reallot Channel 245C2 to Effingham, Kansas, allot Channel 272A at Humboldt, and allot Channel 256A at Pawnee City; (3) a counterproposal filed by Viking Enterprises to allot Channel 245C2 at Holton, Kansas which requires the substitution of Channel 272A for Channel 244A at Humboldt. Cumulus's initial petition for a change of community was technically defective because the proposed allotment was not mutually exclusive with the existing allotment as required by the Commission's rules. Since the Notice of Proposed Rule Making was defective and erroneously issued, the counterproposals must be dismissed.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau, (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 05–310, adopted June 21, 2006, and released June 23, 2006. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) since the proposed rules are dismissed, herein.)

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–11053 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–1233; MB Docket No. 04–117; RM–10928]

Radio Broadcasting Services; Madison, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: The Audio Division denies a Petition for Rule Making filed by American Family Association, requesting the reservation of vacant Channel 247C3 at Madison, Missouri for noncommercial educational use.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 04–117, adopted June 21, 2006, and released June 23, 2006. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Report and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the proposed rule was denied.)

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–11054 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 06–1309; MB Docket No. 05–150; RM–11214]

Radio Broadcasting Services; Norfolk and Windsor, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rulemaking filed by Clear Channel Broadcasting, Licenses, Inc., licensee of Stations WKUS(FM), Norfolk, Virginia and WJCD, Windsor, Virginia, proposing the reallotment of Channel 299A from Windsor to Norfolk, Virginia and the reallotment of Channel 287B from Norfolk to Windsor, Virginia, and the modification of the license for Station WKUS(FM) to reflect Windsor as its community of license and the modification of the license of Station WJCD(FM) to reflect Norfolk as its community of license.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 05–150, adopted June 21, 2006, and released June 23, 2006. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 800–378–3160 or *http://www.BCPIWEB.com.*

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because this proposed rule is denied, herein.)

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–11051 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 71, No. 138
Wednesday, July 19, 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

Submission for OMB Review; Comment Request

July 13, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: 7 CFR 1703, Subparts D, E, F, and G, Distance Learning and Telemedicine Loan and Grant Program.

OMB Control Number: 0572–0096.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the Department of Agriculture and is authorized by Chapter 1 of subtitle D of the Food, Agriculture, Conservation and Trade Act of 1990. The purpose of the Distance Learning and Telemedicine Loan and Grant program is to improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals and rural residents.

Need and Use of the Information: The various forms and narrative statements required are collected from eligible applicants that are public and private, for-profit and not-for-profit rural community facilities, schools, libraries, hospitals, and medical facilities. The purpose of this information is to determine such factors as: Eligibility of the applicant; the specific nature of the proposed project; the purposes for which loan and grant funds will be used; project financial and technical feasibility; and compliance with applicable laws and regulations.

Description of Respondents: Business or other for-profit; not-for-profit institutions; State, local or tribal government.

Number of Respondents: 230.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 12,057.

Rural Utilities Service

Title: 7 CFR 1751 Subpart B/State Telecommunications Modernization Plan.

OMB Control Number: 0572–0104.

Summary of Collection: The Rural Electrification Loan Restructuring Act (RELRA, Pub. L. 103–129), November 1, 1993, amended the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.* (the RE Act). RELRA required that a State Telecommunications Modernization Plan (Modernization Plan or Plan), meet all the statutory requirements of RELRA (Part 1751, Subpart B). The plan at a minimum must provide for: (1) The elimination of party line service; (2) the availability of telecommunications services for improved business, educational, and medical services; (3) must encourage computer networks and information highways for subscribers in rural areas; (4) must provide for subscribers in rural areas to be able to receive through telephone lines: (a) Conference calling; (b) video images; and (c) data at a rate of 1 million bits of information per second; and, the proper routing of information to subscribers.

Need and Use of the Information: The Rural Utilities Service (RUS) telecommunications program staff will review the Modernization Plan and approve the plans, if it complies with the requirements of the regulation. If the proposed Modernization Plan is approved, RUS will notify the developer of the approval. If not, RUS will make specific written comments and suggestions for modifying the proposed Modernization Plan so that it will comply with the requirements of the regulation. If the information is not collected, RUS' authority to make loans under the Rural Electrification Act will be restricted.

Description of Respondents: Business or other for-profit; not-for-profit institutions.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 350.

Rural Utilities Service

Title: 7 CFR Part 1721, Extensions of Payments of Principal and Interest.

OMB Control Number: 0572–0123.

Summary of Collection: Rural Utilities Service (RUS) is revising procedures and conditions under which borrowers may request extensions of the payment of principal and interest. RUS electric program provides loans and loan guarantees to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector. As a result of obtaining Federal financing, RUS borrowers receive economic benefits that exceed any direct economic costs associated with complying with (RUS) regulations and requirements. The authority, as amended, for these extensions is contained in Section 12 of the Rural Electrification Act of 1936, and Section 236 of the ''Disaster Relief Act of 1970.''

Need and Use of the Information: The collection of information occurs only when the borrower requests an extension of principal and interest. Eligible purposes include financial hardship energy resource conservation loans, renewable energy project, and contributions-in-aid of construction. The collections are made to provide needed benefits to borrowers while also maintaining the integrity of RUS loans and their repayment of taxpayer's monies.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 45.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 424.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–11385 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 13, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal & Plant Health Inspection Service

Title: USDA APHIS Peer Reviewer's Certification Regarding Conflict of Interest.

OMB Control Number: 0579–NEW.

Summary of Collection: The Information or Data Quality Act (Pub. L. 106–554, 515 Appendix C, 114 Stats. 2763A–153–154) and OMB's Peer Review Bulletin (70 FR 2664–2677) requires Federal agencies to select peer reviewer's of influential and highly influential information and to examine their financial ties to regulate entities, other stakeholders, and the agency. Some of the information that the Animal and Plant Health Inspection Service (APHIS) disseminates is ''influential'' that is, it has a clear and substantial impact on important public policies or important private sector decisions.

Need and Use of the Information: APHIS will collect information using APHIS form 6004, Peer Reviewer Information, to ensure that all nonfederal peer reviewers who are recruited by the Agency have no conflicts of interest with respect to peer review of a specific scientific document that will be used for purposes of making policy or dissemination to the public.

Description of Respondents: Individuals or households.

Number of Respondents: 50.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 13.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–11396 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 13, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: WIC Federal and State Agreement.

OMB Control Number: 0584–0332.

Summary of Collection: The Women, Infants, and Children (WIC) and the Farmers' Market Nutrition Program (FMNP) are carried out by the U.S. Department of Agriculture under Section 17 of the Child Nutrition Act (CNA) of 1966, as amended. Form FNS–399, Federal-State Special Supplemental Nutrition Program Agreement, is the agreement between USDA and the State agency. The agreement empowers USDA to release funds to the State agency to operate the Women, Infants and Children (WIC) Program and the Farmers' Market Nutrition Program (FMNP).

Need and Use of the Information: FNS will collect information to authorize payment of cash grants to State

agencies, which operate the program locally through nonprofit organizations and must ensure coordination of the Program among the appropriate agencies and organizations. Each FMNP or WIC State agency desiring to administer the program shall annually enter into a written agreement with USDA for administration of the program in the jurisdiction of the State agency. If the information is not collected Federal funds cannot be provided to the State agency without a signed agreement.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 107.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 27.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E6–11398 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Disclosure of Children's Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, this notice invites the general public and other public agencies to comment on proposed information collections.

DATES: Written comments on this notice must be received or postmarked by September 18, 2006.

ADDRESSES: 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 of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Melissa Rothstein, Chief, Program Analysis and Monitoring Branch, Child and Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302–1594. Comments may also be submitted via fax to the attention of Melissa Rothstein at (703) 305–2879 or via e-mail to *melissa.rothstein@fns.usda.gov.*

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

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of this information collection should be directed to Melissa Rothstein at the address above or by telephone at 703–305–2590.

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Children's Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs.

OMB Numbers: 0584–0280, 0584–0055 and 0584–0026, respectively.

Expiration Date: 12/31/07, 08/31/08, and 10/31/06, respectively.

Type of Request: Revision of currently approved information collections.

Abstract: FNS is amending the regulations for the Child Nutrition Programs to establish the requirements for the disclosure of children's free and reduced price meals or free milk eligibility information. The Child Nutrition Programs include the National School Lunch Program (NSLP), Special Milk Program (SMP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), and Child and Adult Care Food Program (CACFP) at 7 CFR parts 210, 215, 220, 225 and 226, respectively. The regulation, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR part 245), is also being amended to implement the disclosure provisions in the NSLP, SBP and SMP.

The final rule will reflect the disclosure provisions of the Healthy Meals for Healthy Americans Act of 1994 and comments received on the proposed rule—Disclosure of Children's Eligibility Information—published July 25, 2000, at 65 FR 45725. Additionally, the final rule includes the regulatory disclosure provisions implementing the Agricultural Risk Protection Act of 2000 and comments received on the interim rule, Disclosure of Children's Eligibility Information to State Medicaid and the State Children's Health Insurance Program, issued January 11, 2001, at 66 FR 2195. The final rule will also implement nondiscretionary provisions of the Child Nutrition and WIC Reauthorization Act of 2004 that allow certain third party contractors access to children's eligibility status and allow school officials to communicate with Medicaid and SCHIP officials to verify that children are eligible for free and reduced price school meals or free milk. The regulations will affect State agencies and local program operators that administer the Child Nutrition Programs and households which apply for and/or are approved for free and reduced price meals or free milk.

Regulations at 7 CFR part 245 establish the responsibilities of State agencies and school food authorities in providing free and reduced price meals and free milk in the National School Lunch Program (7 CFR part 210), the School Breakfast Program (7 CFR part 220), and the Special Milk Program for Children (7 CFR part 215). Therefore, the burden associated with State agencies and school food authorities disclosing free and reduced price eligibility information for 7 CFR parts 210, 215 and 220 is carried in the information collection for 7 CFR part 245.

ESTIMATED ANNUAL RECORDKEEPING BURDEN

[7 CFR Part 225 OMB No. 0584–0280]

	Section	Annual number of respondents	Number responses per respondent	Hours per response	Total burden
State agencies or sponsors must enter into a written agreement with the party requesting children's free and reduced price eligibility information:					
Total existing State agencies	7 CFR 225.15(k)	53	0	0	0

ESTIMATED ANNUAL RECORDKEEPING BURDEN—Continued

[7 CFR Part 225 OMB No. 0584–0280]

	Section	Annual number of respondents	Number responses per respondent	Hours per response	Total burden
Total proposed State agencies	7 CFR 225.15(k)	53	1	.25	13
Total existing Sponsors	7 CFR 225.15(k)	3,763	0	0	0
Total proposed Sponsors	7 CFR 225.15(k)	3,763	1	.083	312
State agencies or sponsors that plan to use or disclose information in ways not permitted by statute must obtain written consent from the child's parent or guardian prior to use or disclosure:					
Total existing State agencies	7 CFR 225.15(j)	53	0	0	0
Total proposed State agencies	7 CFR 225.15(j)	53	1	.25	13
Total existing Sponsors	7 CFR 225.15(j)	3,763	0	0	0
Total proposed Sponsor	7 CFR 225.15(j)	3,763	1	.25	941
Total existing Households	7 CFR 225.15(j)	128,369	0	0	
Total proposed Households	7 CFR 225.15(j)	128,369	1	.083	10,655

Affected Public: State Local or Tribal Government, Individuals or Households, Business or other for-profit institutions, Not-for-profit institutions, and Federal government.

Estimated Number of recordkeepers: 132,185.

Estimated annual hours per recordkeeper: .09.

Estimated recordkeeping hours: 11,934.

Estimated Total Annual Burden: 716,348.

ESTIMATED ANNUAL RECORDKEEPING AND REPORTING BURDEN

[7 CFR Part 226 OMB No. 0584–0055]

	Section	Annual number of respondents	Number responses per respondent	Hours per response	Total burden
State agencies or SFAs must enter into a written agreement with the party requesting children's free and reduced price eligibility information:					
Total existing State agencies	7 CFR 226.23(m)	55	0	0	0
Total proposed State agencies	7 CFR 226.23(m)	55	1	.25	14
Total existing Institutions	7 CFR 226.23(m)	21,224	0	0	0
Total proposed Institutions	7 CFR 226.23(m)	21,224	1	.083	1,762
State agencies or SFAs that plan to use or disclose information in ways not permitted by statute must obtain written consent from the child's parent or guardian prior to use or disclosure:					
Total existing State agencies	7 CFR 226.23(l)	55	0	0	0
Total proposed State agencies	7 CFR 226.23(l)	55	1	.25	14
Total existing Institutions	7 CFR 226.23(l)	21,224	0		0
Total proposed Institutions	7 CFR 226.23(l)	21,224	1	.25	5,306
Total existing Households	7 CFR 226.23(l)	887,419	0	0	0
Total proposed Households	7 CFR 226.23(l)	887,419	1	.083	75,656

Affected Public: State Local or Tribal Government, Individuals or Households, Business or other for-profit institutions, Not-for-profit institutions, and Federal government.

Number of recordkeepers: 908,698.

Estimated annual hours per recordkeeper: .09.

Estimated recordkeeping hours: 82,752.

Estimated Total Annual Burden: 6,672,835.

ESTIMATED ANNUAL RECORDKEEPING AND REPORTING BURDEN

[7 CFR Part 245 OMB No. 0584–0026]

	Section	Annual number of respondents	Number responses per respondent	Hours per response	Total Burden
State agencies or SFAs must enter into a written agreement with the party requesting children's free and reduced price eligibility information:					

ESTIMATED ANNUAL RECORDKEEPING AND REPORTING BURDEN—Continued

[7 CFR Part 245 OMB No. 0584–0026]

	Section	Annual number of respondents	Number responses per respondent	Hours per response	Total Burden
Total existing State agencies	7 CFR 245.6(j)	54	0	0	0
Total proposed State agencies	7 CFR 245.6(j)	54	2	.25	27
Total existing SFAs	7 CFR 245.6(j)	20,710	0	0	0
Total proposed SFAs	7 CFR 245.6(j)	20,710	2	.083	3,438
State agencies or SFAs that plan to use or disclose information in ways not permitted by statute must obtain written consent from the child's parent or guardian prior to use or disclosure:					
Total existing State agencies	7 CFR 245.6(i)	54	0	0	0
Total proposed State agencies	7 CFR 245.6(i)	54	2	.25	27
Total existing SFAs	7 CFR 245.6(i)	20,710	0		0
Total proposed SFAs	7 CFR 245.6(i)	20,710	2	.25	10,355
Total Existing Households	7 CFR 245.6(i)	4,138,810	0	0	0
Total Proposed Households	7 CFR 245.6(i)	4,138,810	2	.083	687,042

Affected Public: State Local or Tribal Government, Individuals or Households, Business or other for-profit institutions, Not-for-profit institutions, and Federal government.

Estimated Number of recordkeepers: 4,159,574.

Estimated annual hours per recordkeeper: .17.

Estimated recordkeeping hours: 700,889.

Estimated Total Annual Burden: 1,758,167.

Dated: July 6, 2006.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. 06–6365 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Form FNS–143, Claim for Reimbursement (Summer Food Service Program)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public to comment on the proposed information collection. The Food and Nutrition Service (FNS) uses the SFSP Claim for Reimbursement Form, FNS–143 to collect data to determine the amount of reimbursement sponsoring organizations participating in the Summer Food Service Program (SFSP) are eligible to receive.

DATES: Written comments on this notice must be received or postmarked by September 18, 2006.

ADDRESSES: 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 of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Melissa Rothstein, Chief, Program Analysis and Monitoring Branch, Child and Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302. Comments may also be submitted via fax to the attention of Melissa Rothstein at (703) 305–2879 or via e-mail to *melissa.rothstein@fns.usda.gov.*

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302, Room 640.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Melissa Rothstein at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Title: Summer Food Service Program Claim for Reimbursement.

OMB Numbers: 0584–0041.

Expiration Date: October 31, 2006.

Type of Request: Revision of a currently approved information collection.

Abstract: The SFSP Claim for Reimbursement, Form FNS–143, is used to collect data on the number of meals served and cost data from sponsoring organizations whose participation in this program is administered directly by FNS Regional Office, commonly known as Regional Office Administered Program or ROAP. The FNS Regional Office directly administers participation of the SFSP for sponsoring organizations in Virginia. In order to determine the amount of reimbursement sponsoring organizations are entitled to receive for meals served, they must complete the form. The completed forms are either sent to the Child Nutrition Payments Center at the FNS Mid-Atlantic Regional Office where they are entered into a computerized payment system or sponsoring organizations may submit forms electronically via the Internet directly into the Child Nutrition Payments Center. The payment system computes earned reimbursement.

Earned reimbursement in the SFSP is based on performance and is determined by comparing an assigned rate for operations and for administration per meal served to actual operational and administrative costs. To fulfill the earned reimbursement requirements set forth in SFSP regulations issued by the Secretary of Agriculture (7 CFR 225.9), the meal and

cost data must be collected on form FNS–143.

The form is an intrinsic part of the accounting system currently being used by the subject program to ensure proper reimbursement as well as to facilitate adequate recordkeeping.

Respondents: The respondents are sponsoring organizations participating in the SFSP under the auspices of the FNS ROAP.

Reporting Burden

Estimated Total Number of Respondents: 123.

Estimated Number of Responses per Respondent: 5.

Estimated Hours per Response: .5.

Estimated Annual Reporting Burden Hours: 307.5.

Estimated Total Number of Respondents: 123.

Recordkeeping Burden

Estimated Number of Responses per Respondent: 5.

Estimated Hours per Response: .1875.

Estimated Annual Recordkeeping Burden Hours: 115.31.

Total Annual Reporting and Recordkeeping Burden: 423.

Dated: July 7, 2006.

Roberto Salazar,

Administrator, Food and Nutrition.

[FR Doc. E6–11435 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Forms FNS–806–A, Claim for Reimbursement (National School Lunch and School Breakfast Programs), and FNS–806–B, Claim for Reimbursement (Special Milk Program for Children)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public to comment on the proposed information collections. The Food and Nutrition Service (FNS) uses the Claims for Reimbursement, FNS–806–A and FNS–806–B, to collect data to determine the amount of reimbursement school food authorities participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP), and Special Milk Program for Children (SMP) are eligible to receive.

DATES: Written comments on this notice must be received or postmarked by September 18, 2006.

ADDRESSES: 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 of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Melissa Rothstein, Chief, Program Analysis and Monitoring Branch, Child and Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 640, Alexandria, Virginia 22302. Comments may also be submitted via fax to the attention of Melissa Rothstein at (703) 305–2879 or via e-mail to *melissa.rothstein@fns.usda.gov.*

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302, Room 640.

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

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of this information collection should be directed to Melissa Rothstein at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Title: Monthly Claims for Reimbursement.

OMB Numbers: 0584–0284.

Expiration Date: November 30, 2006.

Type of Request: Revision of a currently approved information collection.

Abstract: The NSLP and SBP, and SMP Claim for Reimbursement, Forms FNS–806–A and FNS–806–B, respectively, are used to collect meal and milk data from school food authorities whose participation in these programs are administered directly by FNS Regional Offices (Regional Office Administered Programs, or ROAP). The FNS Regional Office directly administers the NSLP, SMP, and/or SBP programs in Virginia, Georgia, Colorado and Missouri. In order to determine the amount of reimbursement for meals and milk served, the school food authorities are required to complete these forms. The completed forms are either sent to the Child Nutrition Payments Center at the FNS Mid-Atlantic Regional Office where they are entered into a computerized payment system or submitted electronically via the Internet directly into the Child Nutrition Payments Center. The payment system computes earned reimbursement.

Earned reimbursement in the NSLP, SBP and SMP is based on performance that is measured as an assigned rate per meal or half pint of milk served. To fulfill the earned reimbursement requirements set forth in NSLP, SBP and SMP regulations issued by the Secretary of Agriculture (7 CFR 210.8 and 220.11; and 215.10), the meal and milk data must be collected on Forms FNS–806–A and FNS–806–B, respectively. These forms are an intrinsic part of the accounting system currently being used by the subject programs to ensure proper reimbursement as well as to facilitate adequate recordkeeping.

Respondents: The respondents are school food authorities and facilities participating in the NSLP, SBP and SMP under the auspices of the FNS ROAP.

Reporting Burden

Estimated Number of Respondents: 273.

Estimated Number of Responses per Respondent: 10.

Estimated Hours per Response: .5.

Estimated Annual Reporting Burden Hours: 1365.

Recordkeeping Burden

Estimated Number of Respondents: 273.

Estimated Number of Responses per Respondent: 10.

Estimated Hours per Response: .08.

Estimated Annual Recordkeeping Burden Hours: 218.

Estimated Total Annual Reporting and Recordkeeping Burden: 1,583.

Dated: July 6, 2006.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. E6–11441 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Buckhorn Access Project, Okanogan and Wenatchee National Forests, Okanogan County, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: Notice is hereby given that the USDA, Forest Service will prepare an Environmental Impact Statement (EIS) for a proposal by Crown Resources Corporation (Crown) to access their private lands and unpatented mining claims on National Forest System lands, and to utilize their unpatented mining claims for mining related facilities. The purpose of the EIS will be to evaluate a range of reasonable alternatives for this proposal and take public comment on the analysis. The proposed project will comply with the direction in the December 1989 Okanogan National Forest Land and Resource Management Plan (Forest Plan), as amended. The Forest Plan provides the overall guidance for management of National Forest System lands included in this proposal.

Scoping on this project was initiated in the Spring of 2005. After preparation and circulation of a preliminary Environmental Assessment on the project, the Forest Service has decided to prepare an Environmental Impact Statement, as provided for in the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1501.4(c)). The Forest Service is giving notice of this analysis so that interested and affected individuals are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of this analysis must be received by August 7, 2006. Individuals who responded to the scoping done for this project in April 2005 need not resubmit those comments. The scope of the project has not changed since the initial Spring 2005 scoping, although some details have changed and will be displayed in the Draft EIS. The Draft EIS is expected to be filed in August 2006. The Final EIS is expected to be filed in November 2006.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Jan Flatten, Forest Environmental Coordinator, 1240 Second Avenue South, Okanogan, WA 98840, phone: (509) 826–3277.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and EIS to Jan Flatten, Forest Environmental Coordinator, 1240 Second Avenue South, Okanogan, Washington 98840, phone: (509) 826–3277 or Phil Christy, Minerals Program Manager, Tonasket Ranger District, 1 West Winesap, Tonasket, WA 98855, phone: (509) 486–5137.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose and need for the project is to respond to Crown's request for access to their private lands and unpatented mining claims, and to utilize their unpatented mining claims for mining related facilities reasonably incident to mining activities taking place on private lands as required by law, while minimizing impacts to National Forest System lands and considering impacts to residents living along National Forest rights-of-way.

Proposed Action

The Forest Supervisor for the Okanogan and Wenatchee National Forests proposes to approve Crown Resource Corporation's Plan of Operations to reconstruct 5.25 miles of the Forest Roads 3550 and 3550–125; construct 1.5 miles of new access road off the end of Forest Road 3550–125 to the lower portal of the mine; and to build a fence, a pipe line, a treated-water infiltration area and access roads, monitoring wells, and underground utility conduits (power line, telephone line) on National Forest System lands and rights-of-way. The Proponent would be permitted to utilize these roads daily to haul ore and supplies to and from the private land inholding once construction is complete. Trucks, averaging approximately 55 round trips per day (50 ore trucks and 5 supply trucks), would haul along the route, although average daily trips would increase just before and after spring breakup, if hauling is not feasible or permitted. Employee access, 24 hours/day, would be allowed on the haul route, Forest Roads 3575–120, 3575, 3575–100, and 3575–150. Only the haul route, Forest Roads 3575–120 and 3575–140 to the water tower, access roads to the infiltration gallery and pipeline (3575–120, 3575–125, 3575–127, and 3575–142), and to monitoring wells and surface water minoring sites may be snowplowed. In addition, the following structures would be constructed to compensate for impacts to wildlife and range operations from this proposal and the Buckhorn Mountain Project currently being planned on private lands:

- A corral in lower Marias Creek,
- A well servicing three cattle troughs in mid-Marias Creek,
- A water augmentation line from the infiltration gallery pipeline to the Roosevelt Adit and to a new water trough in upper Marias Creek,
- Culvert replacements to allow for all aquatic life passage, and
- Water guzzlers in the headwaters of Ethel and South Fork Bolster Creeks.

The Pontiac Ridge/Cow Camp access route; Forest Road 3575–120, and Forest Road 3575–140 would be used during the approximate 3 months it will take to construct and reconstruct the haul route. After that time, most construction traffic to the mine site on private lands would switch to the haul route. Implementation is expected to occur in winter on spring of 2007.

The proposed action would require amendments to four Forest Plan standards and guidelines, two relating to road density, one relating to designation of an open route through deer winter range, and one relating to percent fines in fish bearing creeks. Road density standards would b exceeded in MA14–18 and 14–19, the Marias Creek road would be designated as an open route where it passes through deer winter range in MA–14 and MA–26, and fine sediment would be increased where it is currently above Forest Plan standards. In addition, the three small parcels left of MA14–19 after land patenting would be combined with their adjacent management areas.

Possible Alternatives

Crown's land on Buckhorn Mountain can be accessed by three existing road systems:

- Marias Creek Road 3550 with powerline buried on the right-of-way.
- Nicholson Creek 3575 with powerline buried in the right-of-way except that the shorter route up the 3575–100 road would be used for the powerline.
- Cow Camp Road 3575–120 with powerline buried on the right-of-way.

All of these routes will be fully analyzed in the EIS. No other sites will be analyzed for the infiltration gallery because the location proposed by Crown is the only feasible location.

Lead Agency

The USDA Forest Service will be the lead agency in accordance with 40 CFR 1501.5(b), and is responsible for preparation of the EIS.

Nature of the Decision To Be Made

The Forest Supervisor for the Okanogan and Wenatchee National Forests must decide whether or not to approve the Proponent's Plan of Operations and road use permit as submitted, or approve a Plan of Operations and road use permit for another route or with additional mitigation measures and monitoring items. Additionally, the Forest

Supervisor must decide whether to grant a special use permit to the Ferry County PUD and other providers for utility access. The Forest Supervisor will consider both the impacts as a result of project activities on National Forest Systems lands and rights-of-way, and cumulative impacts off of National Forest System lands, particularly to home owners along National Forest System rights-of-way, in choosing the preferred alternative. The Forest Supervisor must also decide whether or not to amend the Okanogan National Forest Land and Resource Management Plan to implement the project.

Scoping Process

Initial scoping on this project was completed Spring of 2005, and a preliminary Environmental Assessment was sent to the public for comment in December 2005. Public participation will continue to be especially important at several points during the analysis. The participation agencies are seeking information, comments, and assistance from Federal, State, local agencies, Native American Tribe and other individuals and organizations who may be interested in or affected by the proposed project. Input submitted during initial scoping, comments received on the preliminary Environmental Assessment and input during this scoping period will be used in preparation of the Draft EIS. The scoping process includes:

- Identifying potential issues.
- Identifying major issues to be analyzed in depth and identify those that are not significant and can be eliminated from detailed study.
- Exploring alternatives to the proposed action.
- Identifying potentail environmental effects of this project.
- Determining potential cooperating agencies and task assignments.
- Notifying interested members of the public of opportunities to participate through personal contacts or written comment.

Issues

A number of issues were identified in the preliminary Environmental Assessment including effects of fence construction, effects of road construction and reconstruction, effects of heavy mine traffic, effects to wildlife, spread of noxious weeds, cumulative impacts with the mine and borrow site, dust suppression and snow removal chemical on water, effects on residents and Colville Tribal members, and effects on water quality and quantity from the infiltration gallery.

Permits or Licenses Required

Upon approval of this proposal, a final plan of operations, road use permit and special use permits for utility companies would be prepared.

Comment Opportunity

This notice re-initiates the scoping process, which guides development of the EIS. The Forest Service is seeking public and agency comment on the proposed action to determine if any additional issues arise. Additional issues may lead either to other alternatives, or additional mitigation measures and monitoring requirements.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft EIS will be prepared for comment. Copies will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after the completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d. 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the participating agencies at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the participating agencies in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

Comments received including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

The Forest Supervisor for the Okanogan and Wenatchee National Forest will be the responsible official for this EIS and it's Record of Decision. As the responsible official, the Forest Supervisor will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR Part 215).

Dated: July 10, 2006.

James L. Boynton,

Forest Supervisor.

[FR Doc. 06–6316 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli County Resource Advisory Committee will be meeting for presentations on 2006 projects submitted and hold a short public forum (question and answer session). The meeting is being held pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393). The meeting is open to the public.

DATES: The meeting will be held on July 25, 2006, 6:30 p.m.

ADDRESSES: The meeting will be held at the Bitterroot National Forest Supervisors Office, 1801 North First, Hamilton, Montana. Send written comments to Daniel G. Ritter, District Ranger, Stevensville Ranger District, 88

Main Street, Stevensville, MT 59870, by facsimile (406) 777–7423, or electronically to *dritter@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Daniel G. Ritter, Stevensville District Ranger and designated Federal Officer, Phone: (406) 777–5461.

Dated: July 13, 2006.

Barry Paulson,

Forest Supervisor.

[FR Doc. 06–6321 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 29–2006]

Foreign-Trade Zone 164—Muskogee, OK; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Muskogee City-County Port Authority, grantee of FTZ 164, requesting authority to expand its zone in the Muskogee area within and adjacent to the Tulsa Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on July 12, 2006.

FTZ 164 was approved on November 17, 1989 (Board Order 450, 54 FR 49321, November 30, 1989). The general-purpose zone currently consists of one site (14.6 acres) within the Port of Muskogee's public terminal area located at Port & Industrial Park Service Road and the Port Access Road.

The applicant is now requesting authority to expand its existing site and to include two new sites in the area: *Expand Site 1* to include two additional parcels at the Port of Muskogee: *Parcel 2* (6 acres)—Port Site F located at 2631 Port Place Road and *Parcel 3* (28 acres)—Port Site G located at the intersection of North 43rd Street East and Don Cayo Road; *Proposed Site 2* (47 acres)—within the 290-acre Port of Muskogee/John T. Griffin Industrial Park (Lot 2) located on Dal-Tile Road near the intersection of State Highway 165 and U.S. Highway 64; and, *Proposed Site 3* (23 acres, 2 parcels)—Komar Distribution Center facilities in McAlester located at 400 West Chickasaw (Parcel 1, 8 acres) and located at 10 V. Hubert Smith Drive (Parcel 2, 15 acres). The sites are owned by the Muskogee City-County Port Authority (Sites 1 and 2) and Komar Properties of Oklahoma, Inc. (Site 3). The proposed sites will be used for warehousing and distribution operations. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

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

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 18, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 2, 2006).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: Muskogee City-County Port Authority Offices, 4901 Harold Scoggins Drive, Muskogee, Oklahoma 74403; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 1115, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

Dated: July 12, 2006.

Andrew McGilvray,

Acting Executive Secretary.

[FR Doc. E6–11454 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Notice of Correction to the Final Results of the Third Administrative Review of Honey from the People's Republic of China

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

EFFECTIVE DATE: July 19, 2006.

FOR FURTHER INFORMATION CONTACT: Kristina Boughton or Bobby Wong, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–8173 or (202) 482–0409, respectively.

SUPPLEMENTARY INFORMATION:

Correction

On June 16, 2006, the Department of Commerce (the Department) published the final results of the third administrative review of the antidumping duty order on honey from the People's Republic of China (PRC). *Honey from the People's Republic of China: Final Results and Final Rescission of Antidumping Duty Administrative Review*, 71 FR 34893 (June 16, 2006) (*Final Results*). While the Department did not receive any timely allegations of ministerial errors in the *Final Results,*[1] the Department inadvertently stated an incorrect cash deposit rate for the PRC–wide entity in the ''Cash Deposits'' section of the notice. The ''Cash Deposits'' section of the notice incorrectly listed the PRC–wide rate at 183.80 percent. *See Final Results*, 71 FR at 34895. As explained in the ''Changes Since the Preliminary Results'' section of the notice, the Department changed the cash deposit rate for the PRC–wide entity from 183.80 percent to 212.39 percent. The Department also indicated in the ''Final Results of the Review'' section of the notice that the PRC–wide rate was 212.39 percent. Therefore, the Department is correcting item (3) in the ''Cash Deposits'' section as follows: (3) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate (including Dubao and Eurasia), the cash–deposit rate will be the PRC–wide rate of 212.39 percent.

This notice is to serve as a correction to the cash deposit rate listed for the PRC–wide entity in the ''Cash Deposits'' section.

This correction is issued and published in accordance with section 751(h) of the Tariff Act of 1930, as amended.

Dated: July 13, 2006.

David M. Spooner,

Assistant Secretaryfor Import Administration.

[FR Doc. E6–11456 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–DS–S

[1] The Department received ministerial error allegations from Anhui Honghui Foodstuff (Group) Co., Ltd. (Anhui Honghui), and Zhejiang Native Produce & Animal By-Product Import & Export Group (Zhejiang), which was untimely and subsequently rejected by the Department. *See* letter from Carrie Blozy to Anhui Honghui and Zhejiang (June 23, 2006).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–401–804]

Preliminary Results of Full Sunset Review: Cut-to-Length Carbon Steel Plate From Sweden

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

SUMMARY: On November 1, 2005, the Department of Commerce (Department) initiated a sunset review of the countervailing duty (CVD) order on cut-to-length carbon steel plate from Sweden, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties and an adequate substantive response from respondent interested parties, the Department determined to conduct a full sunset review of this CVD order pursuant to section 751(c) of the Act and 19 CFR 351.218(d) and (e)(2). As a result of our analysis, the Department preliminarily finds that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the ''Preliminary Results of Review'' section of this notice.

EFFECTIVE DATE: July 19, 2006.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5255 or (202) 482–1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2005, the Department initiated a sunset review of the CVD order on cut-to-length carbon steel plate (CTL plate) from Sweden pursuant to section 751(c) of the Act. *See Initiation of Five-year (''Sunset'') Reviews,* 70 FR 65884 (November 1, 2005). The Department received a notice of intent to participate from the following domestic interested parties: Nucor Corporation (Nucor), IPSCO, Inc., Mittal Steel USA Inc., Oregon Steel Mills, Inc., and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW) (collectively domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as domestic producers of CTL plate in the United States. The Department received substantive responses from the domestic interested parties as well as from the following respondent interested parties: the Government of Sweden (GOS), the European Union Delegation of the European Commission (EC) and SSAB Svenskt St ål AB (SSAB).

On December 21, 2005, the Department determined that the participation of the respondent interested parties was adequate, and that it was appropriate to conduct a full sunset review. See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary: *Adequacy Determination; Sunset Review of the Countervailing Duty Order on Cut-to-Length Carbon Steel Plate from Sweden,* dated December 21, 2005, on file in the Central Records Unit (CRU), Room B–099 of the Department of Commerce building. On February 10, 2006, the Department extended the time limit for the preliminary and final results of the sunset review of the CVD order on CTL plate from Sweden. *See Cut-to-Length Carbon Steel Plate from Belgium, Sweden, and the United Kingdom; Extension of Time Limits for Preliminary and Final Results of Full Five-Year (''Sunset'') Reviews of Countervailing Duty Orders,* 71 FR 7017 (February 10, 2006). The Department extended the preliminary results to no later than July 14, 2006, and the final results to no later than September 27, 2006.

Scope of the Order

The merchandise subject to the CVD order is certain cut-to-length carbon steel plate. These products include hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the United States Harmonized Tariff Schedule (HTS) under item numbers 7208.31.0000, 7208.32.0000, 7208.33.1000, 7208.33.5000, 7208.41.0000, 7208.42.0000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')—for example, products which have been bevelled or rounded at the edges. Excluded from this investigation is grade X–70 plate. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the ''Issues and Decision Memorandum for Preliminary Results of Full Sunset Review of the Countervailing Duty Order on Cut-to-Length Carbon Steel Plate from Sweden'' from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration (*Preliminary Decision Memorandum*), dated concurrently with the notice and which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum which is on file in the CRU Room B–099 of the main Commerce building. In addition, a complete version of the *Preliminary Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn*. The paper copy and electronic version of the *Preliminary Decision Memorandum* are identical in content.

Preliminary Results of Review

The Department preliminarily determines that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy likely to prevail if the order were revoked is *de minimis*. Interested parties may submit case briefs and hearing requests no later than two weeks after the date of publication in accordance with 19 CFR 351.309 (c)(1)(i) and 19 CFR 351.310(c). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed

not later than five days from the filing of the case briefs, in accordance with 19 CFR 351.309(d). Any hearing, if requested, will be held on or about August 14, 2006. The Department will issue a notice of final results of this sunset review, which will include the results of our analysis of issues raised in any such comments, no later than September 27, 2006.

We are issuing and publishing these preliminary results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: July 12, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–11455 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–412–815]

Preliminary Results of Full Sunset Review: Cut-to-Length Carbon Steel Plate From the United Kingdom

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

SUMMARY: On November 1, 2005, the Department of Commerce (Department) initiated a sunset review of the countervailing duty (CVD) order on cut-to-length carbon steel plate (CTL plate) from the United Kingdom, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties and an adequate response from respondent interested parties, the Department determined to conduct a full sunset review of this CVD order pursuant to section 751(c) of the Act and 19 CFR 351.218(e)(2). As a result of our analysis, the Department preliminarily finds that revocation of the CVD order would likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the ''Preliminary Results of Review'' section of this notice.

EFFECTIVE DATE: July 19, 2006.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Kimberley Hunt, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC. 20230; telephone: (202) 482–3148 or (202) 482–1272, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2005, the Department initiated a sunset review of the CVD order on cut-to-length carbon steel plate from the United Kingdom pursuant to section 751(c) of the Act. *See Initiation of Five-year (''Sunset'') Reviews,* 70 FR 65884 (November 1, 2005). The Department received a notice of intent to participate from the following domestic interested parties: Nucor Corporation (Nucor), IPSCO, Inc., Mittal Steel USA Inc., Oregon Steel Mills, Inc., and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW) (hereinafter, collectively domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as domestic producers of CTL plate in the United States. The Department received substantive responses from both domestic interested parties and the following respondent interested parties: the Government of the United Kingdom (UKG), the European Union Delegation of the European Commission (EC), Corus Group plc. (Corus) [1], Niagara LaSalle (UK) Limited (Niagara) [2], and Spartan UK Ltd (Spartan).

On December 21, 2005, the Department determined that the participation of the respondent interested parties was adequate, and that it was appropriate to conduct a full sunset review. See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary, Import Administration, Re: *Adequacy Determination; Sunset Review of the Countervailing Duty Order on Cut-to-Length Carbon Steel Plate from the United Kingdom,* dated December 21, 2005, and on file in the Central Records Unit, Room B–099 of the Department of Commerce building.

On February 10, 2006, the Department extended the time limit for the preliminary and final results of the sunset review of the CVD order on CTL plate from the United Kingdom (UK). *See Cut-to-Length Carbon Steel Plate from Belgium, Sweden, and the United Kingdom; Extension of Time Limits for Preliminary and Final Results of Full Five-Year (''Sunset'') Reviews of Countervailing Duty Orders,* 71 FR 7017. The Department extended the preliminary results to no later than July 14, 2006, and the final results to no later than September 27, 2006.

Scope of the Order

The products covered by this countervailing duty order are certain cut-to-length carbon steel plates from the United Kingdom, including hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the United States Harmonized Tariff Schedule (HTSUS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded is grade X–70 plate. These HTSUS item numbers are provided for convenience and customs purposes. The written description remains dispositive. As a result of a changed circumstances

[1] British Steel Corporation (British Steel) was a government-owned entity, and in 1988, prior to the period of investigation (POI), it was privatized and reorganized as British Steel plc (BS plc). On September 17, 1995, the Department issued its *Final Results of Redetermination Pursuant to Court Remand on General Issue of Privatization, British Steel plc* v. *United States, Slip Op. 95–17 and Order (CIT Feb 9, 1995) (1995 Redetermination Final*) and determined the net subsidy rate for BS plc to be 21.30 percent *ad valorem*. BS plc has reported that in 1999, it became part of Corus Group plc. (Corus) after merging with Koninklijke Hoogovens.

[2] The Department determined that Niagara LaSalle was the successor-in-interest of Glynwed in *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Changed Circumstances Antidumping Countervailing Duty Administrative Reviews,* 64 FR 66880 (November 30, 1999).

review[3], the order excludes certain cut-to-length carbon steel plate with a maximum thickness of 80 mm in steel grades BS 7191, 355 EM and 355 EMZ, as amended by Sable Offshore Energy Project specification XB MOO Y 15 0001, types 1 and 2.

Analysis of Comments Received

All issues raised in this review are addressed in the Preliminary Issues and Decision Memorandum (*Preliminary Decision Memorandum*) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated concurrently with this notice and which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum which is on file in the Central Records Unit room B–099 of the main Commerce building. In addition, a complete version of the *Preliminary Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The paper copy and electronic version of the *Preliminary Decision Memorandum* are identical in content.

Preliminary Results of Review

The Department preliminarily determines that revocation of the CVD order would likely lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy likely to prevail if the order were revoked is 0.00 percent *ad valorem* for Glynwed/Niagara and 0.77 percent *ad valorem* for ''all other'' producers/exporters of CTL plate from the United Kingdom, including British Steel, plc. Interested parties may submit case briefs and hearing requests no later than two weeks after the date of publication of these preliminary results, in accordance with 19 CFR 351.309 (c)(1)(i) and 19 CFR 351.310(c). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than five days from the filing of the case briefs, in accordance with 19 CFR 351.309(d). If a hearing is requested, parties will be notified of the date, time and location. The Department will issue a notice of final results of this sunset review no later than September 27, 2006, which will include the results of its analysis of issues raised in any such comments.

[3]See *Certain Cut-to-Length Carbon Steel Plate from Finland, Germany and the United Kingdom: Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Revocation of Orders in Part,* 64 FR 46343 (August 25, 1999).

We are issuing and publishing these preliminary results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: July 12, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–11458 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071306G]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; receipt of exempted fishing permit application.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP, which would enable researchers to investigate the efficacy of a 4–seam bottom trawl to improve escapement of small cod and haddock, would allow for exemptions from the FMP as follows: Gulf of Maine (GOM) Regulated Mesh Area minimum mesh size and gear restrictions, and two NE multispecies days-at-sea (DAS) out of a total of 12 days of gear testing.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before August 3, 2006.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on the GOM 4–Seam Trawl Study.'' Comments may also be sent via facsimile (fax) to (978) 281–9135, or submitted via e-mail to the following address: *DA6191@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Management Specialist, (978) 281–9273, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: A complete application for an EFP was submitted on June 12, 2006, by Dana Morse and Lynn Wardwell of the Maine Sea Grant College Program, University of Maine Cooperative Extension. This project is funded by the Northeast Consortium. The primary goal of the research is to test the efficacy of a 4–seam bottom trawl to improve escapement of small haddock and cod. The intent of the researchers is that the experimental net, if successful, could potentially be an acceptable alternative trawl design to be used in the groundfish fishery.

The project expands on previous work conducted by Maine Sea Grant, and is anticipated to sharpen the net selectivity observed in earlier studies. Specifically, the researchers propose to compare the effectiveness of regulated 6–inch (15.2–cm) diamond mesh side panels to 6–inch (15.2–cm) hexagonal mesh side panels on a 4–seam net configuration. Two trawl designs will be used: (1) A control trawl (4–seam net, 2:1 belly taper, 6–inch (15.2–cm) diamond mesh side panels, 6.5–inch (16.5–cm) diamond mesh codend); and (2) an experimental trawl (4–seam net, 2:1 belly taper, 6–inch (15.2–cm) hexagonal mesh side panels, 6.5–inch (16.5–cm) diamond mesh codend). A gear exemption is necessary for the experimental net because hexagonal mesh is not an allowed regulated mesh type. Additionally, a set of trials to quantify side panel escapement of each net design will be conducted by attaching small mesh (1–3/8–inch (3.5–cm)) ''pockets'' to the side panels, each with their own codend. A minimum mesh size exemption is necessary because the 1–3/8–inch (3.5–cm) mesh pockets are smaller than the legal minimum mesh size for trawls in the GOM. A submersible video recorder will be attached to the trawl to observe the

effectiveness of the side panel pockets at retaining escapees.

Species of principal interest in the study include haddock, cod, pollock, American plaice, witch flounder, winter flounder, and hake species. Once caught, these species would be sorted, and then divided into legal and sub-legal size groups. They would then be sub-sampled, measured, and weighed. All legal catch would be retained, while all other remaining catch would be returned to the sea as quickly as practicable. Based on data from previous experimental tows, the researchers anticipate that a total of 20,385 lb (9,246 kg) of fish would be harvested throughout the course of the study, along with 6,390 lb (2,898 kg) of regulatory discards from both the experimental and control nets. All legal-sized fish within the possession limit would be retained and sold, with the proceeds returned to the project for the purpose of enhancing future research.

All at-sea research is proposed to be conducted from the F/V Bad Penny (Permit # 250485, O.N. 617341) from the period between August 1, 2006, and July 31, 2007. The vessel intends to fish in two main areas of the GOM, known as ''The Kettles'' and ''The Three Dories.'' The vessel would fish exclusively outside of all closed areas. A total of 10 days would be used for testing the experimental trawl, with an anticipated 4, 2-hour tows per day (2 control, 2 experimental). An additional 2 days would be used to evaluate side panel escapement, using the small mesh side pockets. During these escapement trials, the main net codend would remain open, and only fish captured through the side panels would be sampled. The researchers are therefore requesting exemption from a total of 2 NE multispecies DAS to conduct the net escapement trials, in which no fish will be landed.

Based on preliminary review of this project, and in accordance with NOAA Administrative Order 216–6, a Categorical Exclusion (CE) from requirements to prepare either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) appears to be justified. The applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 13, 2006.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–11406 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071306F]

Marine Mammals; File No. 633–1778

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that the Center for Coastal Studies, P.O. Box 1036, Provincetown, MA 02657 [Principal Investigator: Julie Robbins] has been issued a permit to conduct scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824–5309.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Patrick Opay, (301)713–2289.

SUPPLEMENTARY INFORMATION: On March 21, 2005, notice was published in the **Federal Register** (70 FR 13481) that a request for a scientific research permit to take various pinniped and cetacean species, including endangered large whales, had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The permit holder is authorized to conduct photo-identification and biopsy sampling of a variety of large whale species, with a focus on humpback whales (*Megaptera novaeangliae*). Sloughed skin may also be collected and all biological samples may be imported and exported. Several small cetaceans species as well as harbor seals (*Phoca vitulina*) and grey seals (*Halicoerus grypus*) may be incidentally harassed during the research. Activities will be conducted in the U.S. waters of the Gulf of Maine and waters off the U.S. northeast and mid-Atlantic states in the North Atlantic Ocean. The permit expires in 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of any endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 13, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–11445 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071006E]

Marine Mammals; Photography Permit Application No. 1100–1849

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Shane Moore, Moore & Moore Films, Box 2980, 1203 Melody Creek Lane, Jackson, Wyoming 83001 has applied in due form for a permit to conduct commercial/educational photography of killer whales (*Orcinus orca*), gray whales (*Eschrichtius robustus*), and

minke whales (*Balaenoptera acutorostrata*).

DATES: Written, telefaxed, or e-mail comments must be received on or before August 18, 2006.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1100–1849

FOR FURTHER INFORMATION CONTACT: Kelsey Abbott or Carrie Hubard, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of section 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216). Section 104(c)(6) provides for photography for educational or commercial purposes involving non-endangered and non-threatened marine mammals in the wild. NMFS is currently working on proposed regulations to implement this provision. However, in the meantime, NMFS has received and is processing this request as a ''pilot'' application for Level B Harassment of non-listed and non-depleted marine mammals for photographic purposes.

The applicant proposes to take 10 killer whales of the Eastern North Pacific Transient stock, 10 gray whales, and 10 minke whales annually by close approach for filming in the Gulf of Alaska and Bering Sea. The purpose of this project is to document the behavior of marine animals in the presence of the carcass of a gray or minke whale that was killed by killer whales. The applicant requests authorization to fix a remotely operated video camera in an underwater housing to the sea floor approximately 15 feet from the carcass. The camera would be deployed after the killer whales have left the carcass and would be controlled from a boat approximately 100 yards away. In addition, if killer whales, gray whales, or minke whales pass near the boat, the applicant would submerge a small camera on a pole to take photographs of passing animals. This footage would be shared freely with the scientific community as it may reveal to what extent killer whales continue to feed on submerged kills, how they feed on these carcasses, and document what other animals may benefit from these carcasses as well. Filming activities would occur between April 1 and August 31 of each year. The permit would expire three years from the date of issue.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 13, 2006.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–11453 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071406E]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Highly Migratory Species Management Team (HMSMT) will a hold work session, which is open to the public.

DATES: The HMSMT work session will be Tuesday, August 8, 2006, from 8:30 a.m. until 5 p.m and on Wednesday, August 9, 2006, beginning at 8:30 a.m. until business is completed.

ADDRESSES: The work sessions will be held at the National Marine Fisheries Service, Southwest Fisheries Science Center, Large Conference Room, 8604 La Jolla Shores Drive, Room D–203, La Jolla, CA 92037, telephone: (858) 546–7000.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Kit Dahl, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The topics planned for this HMSMT work session are: (1) develop a preliminary range of alternatives for modification of management measures for the April 1, 2007–March 31, 2009, management period, as authorized under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP); (2) continue work to identify reference points for selected HMS; (3) plan analyses of exempted fishing permits (EFPs) proposed for the 2007 fishing year; (5) develop recommendations for future Council action on a high seas longline fishery; and (6) engage in additional planning related to the annual Stock Assessment Fishery Evaluation (SAFE) document. Time permitting, the HMSMT may also discuss any new information relevant to their previous work characterizing historical effort in the U.S. North Pacific albacore fishery off the West Coast.

Although non-emergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids

should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–11436 Filed 7–18–06; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Submission for OMB Review; Comment Request—Safety Standard for Omnidirectional Citizens Band Base Station Antennas

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the **Federal Register** of April 26, 2006, (71 FR 24651), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek extension of approval of the collection of information required in the Safety Standard for Omnidirectional Citizens Band Base Station (16 CFR part 1204). No comments were received in response to that notice. By publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information, without change, for three years from the date of approval.

The Safety Standard for Omnidirectional Citizens Band Base Station Antennas establishes performance requirements for omnidirectional citizens band base station antennas to reduce unreasonable risks of death and injury which may result if an antenna contacts overhead power lines while being erected or removed from its site. Certification regulations implementing the standard require manufacturers, importers, and private labelers of antennas subject to the standard to test antennas for compliance with the standard, and to maintain records of that testing.

The records of testing and other information required by the certification regulations allow the Commission to determine that antennas subject to the standard comply with its requirements. This information would also enable the Commission to obtain corrective actions if omnidirectional citizens band base station antennas failed to comply with the standard in a manner which creates a substantial risk of injury to the public.

Additional Information About the Request for Extension of Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

Title of information collection: Safety Standard for Omnidirectional Citizens Band Base Station Antennas, 16 CFR Part 1204.

Type of Request: Extension of approval without change.

General description of respondents: Manufacturers, importers, and private labelers of omnidirectional citizens band base station antennas.

Estimated number of respondents: 5.

Estimated number of hours per respondent: 220 per year.

Estimated number of hours for all respondents: 1,100 per year.

Estimated cost of collection for all respondents: $47,000 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 18, 2006 to (1) the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395–7340, and (2) the Office of the Secretary, by e-mail at *cpsc-os@cpsc.gov,* or sent to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. Written comments may also be sent by facsimile at (301) 504–0127.

Copies of this request for extension of the information collection requirements and supporting documentation are available from Linda Glatz, Management and Program Analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7671, e-mail: *lglatz@cpsc.gov.*

Dated: July 12, 2006.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E6–11383 Filed 7–18–06; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Submission for OMB Review; Comment Request—Safety Standard for Cigarette Lighters

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the **Federal Register** of April 26, 2006 (71 FR 24651), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) to announce the agency's intention to seek extension of approval of the collection of information in the Safety Standard for Cigarette Lighters (16 CFR part 1210). One comment from the American Academy of Pediatrics was received in support of the continued testing and data collection. By publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget (OMB) a request for extension of approval of that collection of information without change for three years from the date of approval.

The Safety Standard for Cigarette Lighters requires disposable and novelty lighters to be manufactured with a mechanism to resist operation by children younger than five years of age. Certification regulations implementing the standard require manufacturers and importers to submit to the Commission a description of each model of lighter, results of prototype qualification tests for compliance with the standard, and a physical specimen of the lighter before the introduction of each model of lighter in commerce.

The Commission uses the records of testing and other information required by the certification regulations to determine that disposable and novelty lighters have been tested and certified for compliance with the standard by the manufacturer or importer. The Commission also uses this information to obtain corrective actions if disposable or novelty lighters fail to comply with the standard in a manner that creates a substantial risk of injury to the public.

Additional Information About the Request for Extension of Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

Title of information collection: Safety Standard for Cigarette Lighters, 16 CFR part 1210.

Type of request: Extension of approval without change.

General description of respondents: Manufacturers and importers of disposable and novelty cigarette lighters.

Estimated number of respondents: 60.

Estimated average number of hours per respondent: 320 per year.

Estimated number of hours for all respondents: 19,200 per year.

Estimated cost of collection for all respondents: $800,000 to $2,700,000 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by August 18, 2006 to (1) the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395–7340, and (2) the Office of the Secretary, by e-mail at *cpsc-os@cpsc.gov* or sent to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. Written comments may also be sent by facsimile at (301) 504–0127. 0127.

Copies of this request for extension of the information collection requirements and supporting documentation are available from Linda Glatz, Management and Program Analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7671.

Dated: July 12, 2006.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E6–11386 Filed 7–18–06; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0096]

Federal Acquisition Regulation;Information Collection; Patents

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0096).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning patents. This OMB clearance currently expires on October 31, 2006.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Comments may be submitted on or before September 18, 2006.

ADDRESSES: Submit comments including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VIR), Room 4035 1800 F Street, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ernest Woodson, Contract Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

The patent coverage in FAR subpart 27.2 requires the contractor to report each notice of a claim of patent or copyright infringement that came to the contractor's attention in connection with performing a Government contract (FAR 27.202–1 and 52.227–2). The contractor is also required to report all royalties anticipated or paid in excess of $250 for the use of patented inventions by furnishing the name and address of licensor, date of license agreement, patent number, brief description of item or component, percentage or dollar rate of royalty per unit, unit price of contract item, and number of units (FAR 27.204–1, 52.227–6, and 52.227–9). The information collected is to protect the rights of the patent holder and the interest of the Government.

B. Annual Reporting Burden

*Number of Respondents:*30.

Responses Per Respondent: 1.

Total Responses: 30.

Average Burden Hours Per Response:.5.

*Total Burden Hours:*15.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0096, Patents, in all correspondence.

Dated: July 12, 2006.

Ralph De Stefano

Director,

[FR Doc. 06–6332 Filed 7–18–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0129]

Federal Acquisition Regulation; Information Collection; Cost Accounting Standards Administration

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0129).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning cost accounting standards administration. The clearance currently expires on October 31, 2006.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before Sepetmber 18,2006.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to the General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson, Contract Policy Division, GSA, (202) 501–3221.

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR Subpart 30.6 and the provision at 52.230–5 include pertinent rules and regulations related to the Cost Accounting Standards along with necessary administrative policies and procedures. These administrative policies require certain contractors to submit cost impact estimates and descriptions in cost accounting practices and also to provide information on CAS-covered subcontractors.

B. Annual Reporting Burden

Number of Respondents: 644.
Responses Per Respondent: 2.27.
Total Responses: 1,462.
Average Burden Hours Per Response: 175.00
Total Burden Hours: 255,829.
OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VIR), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0129, Cost Accounting Standards Administration, in all correspondence.

Dated: July 10, 2006.

Linda Nelson,

Deputy Director,Contract Policy Division.

[FR Doc. 06–6333 Filed 7–18–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0075]

Federal Acquisition Regulation; Information Collection; Government Property

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0075).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Government Property. This OMB clearance expires on October 31, 2006.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before September 18, 2006.

ADDRESSES: Submit comments, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jeritta Parnell, Contract Policy Division, GSA (202) 501–4082.

SUPPLEMENTARY INFORMATION:

A. Purpose

Property, as used in Part 45, means all property, both real and personal. It includes facilities, material, special tooling, special test equipment, and agency-peculiar property. Government property includes both Government-furnished property and contractor-acquired property.

Contractors are required to establish and maintain a property system that will control, protect, preserve, and maintain all Government property because the contractor is responsible and accountable for all Government property under the provisions of the contract including property located with subcontractors. The contractor's property control records shall constitute the Government's official property records and shall be used to—

(a) Provide financial accounts for Government-owned property in the contractor's possession or control;

(b) Identify all Government property (to include a complete, current, auditable record of all transactions);

(c) Locate any item of Government property within a reasonable period of time.

This clearance covers the following requirements:

(a) FAR 45.307–2(b) requires a contractor to notify the contracting officer if it intends to acquire or fabricate special test equipment.

(b) FAR 45.502–1 requires a contractor to furnish written receipts for Government property.

(c) FAR 45.502–2 requires a contractor to submit a discrepancy report upon receipt of Government property when overages, shortages, or damages are discovered.

(d) FAR 45.504 requires a contractor to investigate and report all instances of loss, damage, or destruction of Government property.

(e) FAR 45.505–1 requires that basic information be placed on the contractor's property control records.

(f) FAR 45.505–3 requires a contractor to maintain records for Government material.

(g) FAR 45.505–4 requires a contractor to maintain records of special tooling and special test equipment.

(h) FAR 45.505–5 requires a contractor to maintain records of plant equipment.

(i) FAR 45.505–7 requires a contractor to maintain records of real property.

(j) FAR 45.505–8 requires a contractor to maintain scrap and salvage records.

(k) FAR 45.505–9 requires a contractor to maintain records of related data and information.

(l) FAR 45.505–10 requires a contractor to maintain records for completed products.

(m) FAR 45.505–11 requires a contractor to maintain records of transportation and installation costs of plant equipment.

(n) FAR 45.505–12 requires a contractor to maintain records of misdirected shipments.

(o) FAR 45.505–13 requires a contractor to maintain records of property returned for rework.

(p) FAR 45.505–14 requires a contractor to submit an annual report of Government property accountable to each agency contract.

(q) FAR 45.508–2 requires a contractor to report the results of physical inventories.

(r) FAR 45.509–1(a)(3) requires a contractor to record work accomplished in maintaining Government property.

(s) FAR 45.509–1(c) requires a contractor to report the need for major repair, replacement and other rehabilitation work.

(t) FAR 45.509–2(b)(2) requires a contractor to maintain utilization records.

(u) FAR 45.606–1 requires a contractor to submit inventory schedules.

(v) FAR 45.606–3(a) requires a contractor to correct and resubmit inventory schedules as necessary.

(w) FAR 52.245–2(a)(3) requires a contractor to notify the contracting officer when Government-furnished property is received and is not suitable for use.

(x) FAR 52.245–2(a)(4) requires a contractor to notify the contracting officer when government-furnished property is not timely delivered and the contracting officer will make a determination of the delay, if any, caused the contractor.

(y) FAR 52.245–2(b) requires a contractor to submit a written request for an equitable adjustment if Government-furnished property is decreased, substituted, or withdrawn by the Government.

(z) FAR 52.245–4 requires a contractor to submit a timely written request for an equitable adjustment when Government-furnished property is not furnished in a timely manner.

(aa) FAR 52.245–5(a)(4) requires a contractor to notify the contracting officer when Government-furnished property is received that is not suitable for use.

(bb) FAR 52.245–5(a)(5) requires a contractor to notify the contracting officer when Government-furnished property is not received in a timely manner.

(cc) FAR 52.245–5(b)(2) requests a contractor to submit a written request for an equitable adjustment if Government-furnished property is decreased, substituted, or withdrawn by the Government.

(dd) FAR 52.245–7(f) requires a contractor to notify the contracting officer when use of all facilities falls below 75% of total use.

(ee) FAR 52.245–7(l)(2) requires a contractor to alert the contracting officer within 30 days of receiving facilities that are not suitable for use.

(ff) FAR 52.245–9(f) requires a contractor to submit a facilities use statement to the contracting officer within 90 days after the close of each rental period.

(gg) FAR 52.245–10(h)(2) requires a contractor to notify the contracting officer if facilities are received that are not suitable for the intended use.

(hh) FAR 52.245–11(e) requires a contractor to notify the contracting officer when use of all facilities falls below 75% of total use.

(ii) FAR 52.245–11(j)(2) requires a contractor to notify the contracting officer within 30 days of receiving facilities not suitable for intended use.

(jj) FAR 52.245–17 requires a contractor to maintain special tooling records.

(kk) FAR 52.245–18(b) requires a contractor to notify the contracting officer 30 days in advance of the contractor's intention to acquire or fabricate special test equipment (STE).

(ll) FAR 52.245–18(d) and (e) requires a contractor to furnish the names of subcontractors who acquire or fabricate special test equipment (STE) or components and comply with paragraph (d) of this clause, and contractors must comply with paragraph (b) of this clause if an engineering change requires acquisition or modification of STE. In so complying, the contractor shall identify the change order which requires the proposed acquisition, fabrication, or modification.

(mm) FAR 52.245–19 requires a contractor to notify the contracting officer if there is any change in the condition of property furnished ''as is'' from the time of inspection until time of receipt.

(nn) FAR 49.602–2(a) through (e) refers to the inventory schedule forms, SF's 1426 through 1434.

This information is used to facilitate the management of Government property in the possession of the contractor.

B. Annual Reporting Burden

Number of Respondents: 27,884.

Responses per Respondent: 488.6.

Total Responses: 13,624,759.

Average Burden Hours Per Response: .4826.

Total Burden Hours: 6,575,805.

The total burden hours have changed under this OMB clearance 9000–0075 to reflect the incorporation of hours currently associated with OMB clearance 9000–0151 (FAR Case l995–013) which is due to expire in June 2000 and will not be renewed. The OMB collection burden associated with Government property nonetheless remains unchanged.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy ofthe information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street,NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0075, Government Property, in all correspondence.

Dated:July 13, 2006.

Ralph De Stefano

Director, Contract Policy Division.

[FR Doc. 06–6334 Filed 7–18–06; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD–2006–OS–0155]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Office of the Secretary of Defense is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 18, 2006 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

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

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense Systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DPR 31

SYSTEM NAME:

Personal Commercial Solicitation Evaluation (June 19, 2006, 71 FR 35259).

CHANGES:

* * * * *

NOTIFICATION PROCEDURES

In the first paragraph, delete ''1745 Jefferson Davis Highway'' and replace with ''241 S. 18th Street''.

In the second paragraph, change the word ''much'' to ''such''.

RECORD ACCESS PROCEDURES:

In the first paragraph, delete ''1745 Jefferson Davis Highway'' and replace with ''241 S. 18th Street''.

* * * * *

DPR 31

SYSTEM NAME:

Personal Commercial Solicitation Evaluation.

SYSTEM LOCATION:

Department of Defense, Military Community and Family Policy, ATTN: Morale, Welfare and Recreation Policy Office, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.

Records are also located at installations and activities where the commercial solicitation occurred.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty service members and solicitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of sales representative and company; appointment information; conduct of sale representative; active duty service member's name, home and work phone number, unit address and e-mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 15 U.S.C. 1601, Congressional findings and declaration of purpose; and DoD Directive 1344.7, Personal Commercial Solicitation on DoD Installations.

PURPOSE(S):

The information is used to document the active duty service member's experience with the sales representatives. Service member responses ensure sales representatives. Service member responses ensure sales representatives conduct themselves fairly and in accordance with DoD Directive 1344.7. Information may be used as part of a case file in the event proceedings are considered necessary to deny or withdraw permission for the sales representative and/or the company to solicit on one or more military installations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices do not apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders.

RETRIEVABILITY:

Records are retrieved by the active duty service members' name and unit.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to authorized personnel with a valid requirement and authorization to enter. Physical entry is restricted by use of combination numbered and cipher locks.

RETENTION AND DISPOSAL:

Permanent. Cut off and retire to the Washington National Records Center when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Defense, Military Community and Family Policy, ATTN: Morale, Welfare and Recreation Policy Office, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Under Secretary of Defense (Military Community and Family Policy), ATTN: Morale, Welfare and Recreation Policy Directorate, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.

Individuals also can seek such information from the office responsible for commercial solicitation activities for the installation or activity where the commercial solicitation occurred.

Requests should include the individual's name, phone number, and address.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves should address written requests to the Office of the Under Secretary of Defense (Military Community and Family Policy), ATTN: Morale, Welfare and Recreation Policy Directorate, 241 S. 18th Street, Suite 302, Arlington, VA 22202–3424.

Individuals also can obtain such information from the office responsible for commerical solicitation activities for the installation or activity where the commerical solicitation occurred.

Requests should include the individual's name, phone number, and address.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Active duty service member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–6305 Filed 7–18–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DOD–2006–0156]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 18, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN–1A), 200 MacDill Blvd, Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0435

SYSTEM NAME:

DIA Awards Files (February 22, 1993, 58 FR 10613).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with: ''DIA Military Awards Files''

SYSTEM LOCATION:

Delete ''0001'' and replace with: ''5100''.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with: ''Military personnel, active duty and reserve, and Coast Guard personnel during time of war, recommended for an award while assigned or attached to DIA.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with : ''This file contains supporting documents for the awards nomination and the results of actions or recommendations of endorsing and approving officials for joint and service awards''.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with: ''5 U.S.C. 301, Departmental Regulations; DIA Regulation 21–9, Military Awards Program; and EO 9397 (SSN).''

* * * * *

STORAGE:

Delete entry and replace with: ''Paper records in file folders and electronically in a database.''

* * * * *

SAFEGUARDS:

Delete entry and replace with: ''Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system.''

RETENTION AND DISPOSAL:

Delete entry and replace with: ''Records are maintained for 2 years within the Agency and then retired to the Washington National Records Centers where they are destroyed when 5 years old.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: ''Deputy Director for Human Capital, ATTN: HCH, Defense Intelligence Agency, Washington, DC 20340–5100.''

NOTIFICATION PROCEDURE:

Delete entry and replace with: ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with: ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.''

''Individual should provide their full name, current address, telephone number and Social Security Number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: ''DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program''; or may be obtained from the system manager.''

* * * * *

LDIA 0435

SYSTEM NAME:

DIA Military Awards Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, active duty and reserve, and Coast Guard personnel during time of war, recommended for an award while assigned or attached to DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains supporting documents for the awards nomination and the results of actions or recommendations of endorsing and approving officials for joint and service awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DIA Regulation 21–9, Military Awards Program; and EO 9397 (SSN).

PURPOSE(S):

Information is collected and submitted to determine eligibility for awards and decorations to individuals and units while assigned or attached to the DIA. Information is required for preparation of orders and for inclusion in individual's Service record. Records are used to obtain the approval for the awarding of the decoration, for the compilation of required statistical data and provided to the Military departments when appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronically in a database.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Records are maintained for 2 years within the Agency and then retired to the Washington National Records Center where they are destroyed when 5 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director for Human Capital. ATTN: HCH, Defense Intelligence Agency, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency officials, parent Service and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–6306 Filed 7–18–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DoD–2006–OS–0157]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 18, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN–1A), 200 MacDill Blvd, Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0010

SYSTEM NAME:

Requests for Information (February 22, 1993, 58 FR 10613).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with: ''Requests for Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Information.''

SYSTEM LOCATION:

Delete entry and replace with: ''Defense Intelligence Agency, Washington, DC 20340–5100.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with: ''5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552, Freedom of Information Act–FOIA; 5 U.S.C. 552a, Privacy Act; DoD 5400.7–R, DoD FOIA Program; DoD 5400.11–R, DoD Privacy Program; and DIA Instruction 5400.11R, Privacy Act Instruction.''

PURPOSE(S):

Delete first paragraph and replace with: ''To provide records and documentation in response to requests from the public sector for information which is originated by or contained in the files of the Defense Intelligence Agency.''

* * * * *

STORAGE:

Delete entry and replace with: ''Paper records in file folders and electronically in a database.''

RETRIEVABILITY:

Delete entry and replace with: ''Alphabetically by surname of individual and case numbers.''

SAFEGUARDS:

Delete entry and replace with: ''Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: ''Public Access Branch, Defense Intelligence Agency, Washington Dc 20340–5100.''

NOTIFICATION PROCEDURES:

Delete entry and replace with: ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and, if the request is made under the Privacy Act, Social Security Number. Providing the Social Security number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security number will not affect the individual's rights, but could result in delay of a timely response.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with: ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and, if the request is made under the Privacy Act, Social Security Number. Providing the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security number will not affect the individual's rights, but could result in delay of a timely response.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: ''DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.''

* * * * *

LDIA 0010

SYSTEM NAME:

Requests for Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Information.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who make requests to DIA for information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from requester, and documents related to the receipt, processing and final disposition of the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552, Freedom of Information Act—FOIA; 5 U.S.C. 552a, Privacy Act; DoD 5400.7–R, DoD FOIA Program; DoD 5400.11–R, DoD Privacy Program; and DIA Instruction 5400.11R, Privacy Act Instruction.

PURPOSE(S):

To provide records and documentation in response to requests from the public sector for information which is originated by or contained in the files of the Defense Intelligence Agency.

To provide information for compiling reports required by public disclosure statutes and to assist the Department of Justice in preparation of the Agency's defense in any law suit arising under these statutes.

ROUNTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDIGN CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Rountine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronically in a database.

RETRIEVABILITY:

Alphabetically by surname of individual and case numbers.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Granted access: Destroy 2 years after date of Agency reply. Denied access, but no appeals by requester: Destroy 6 years after date of Agency reply. Contested records: Destroy 4 years after final denial by Agency, or 3 years after final Adjudication by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Public Access Branch, Defense Intelligence Agency, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and, if the request is made under the Privacy Act, Social Security Number. Providing the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights, but could result in delay of a timely response.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number, and if the request is made under the Privacy Act, Social Security Number. Providing the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights, but could result in delay of a timely response.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual requesters and Agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–6307 Filed 7–18–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DOD–2006–OS–0158]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 18, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN–1A), 200 MacDill Blvd, Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth

below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0140

SYSTEM NAME:

Passports and Visas (February 22, 1993, 58 FR 10613).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete ''0001'' and replace with: ''5100''.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with: ''All DIA personnel requiring passports and visas.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with: ''5 U.S.C. 301, Departmental Regulations; DoD 1000.21–R, Passport Agency Services Regulation; and EO 9397 (SSN).''

* * * * *

SAFEGUARDS:

Delete: entry and replace with: ''Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Records maintained in computer system require special access code to retrieve information. Electronic records are maintained on a classified and password protected system.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with: ''Operations Management Branch, ATTN: DAL–2B, Defense Intelligence Agency, Washington, DC 20340–5100.''

NOTIFICATION PROCEDURE:

Delete entry and replace with: ''Individuals seeking to determine whether information about themselves'' is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with: ''Individuals seeking access to information about themselves contained in this system should address written inquires to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: ''DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with: ''Individual applicant; Department of State, Passport Office; and Embassies.''

* * * * *

LDIA 0140

SYSTEM NAME:

Passports and Visas.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DIA personnel requiring passports and visas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain passports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD 1000.21–R, Passport Agent Services Regulation; and EO 9397 (SSN).

PURPOSE(S):

Information is collected to obtain and safe keep official passports until needed for travel and to obtain necessary visas from appropriate Embassies; to notify individuals to reapply when passports expire and to return passports to the Department of State upon departure of the individual from DIA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated in computer and manual in paper files.

RETRIEVABILITY:

Alphabetically by surname of individual in file folders and by name of individual, date of birth, and/or Social Security Number in computer.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Records maintained in computer system require special access code to retrieve information. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Passports are returned to Department of State upon departure of the individual from DIA and computer records are transferred into an archive file for 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Operations Management Branch, ATTN: DAL–2B, Defense Intelligence Agency, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applicant; Department of State, Passport Office; and Embassies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–6308 Filed 7–18–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[DOD–2006–OS–0159]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without futher notice on Ausgust 18, 2006 unless comments are received that would result in a contrary determination.

ADDRESSES: Freedom of Information Office, Defense Intelligence Agency (DAN–1A), 200 MacDill Blvd, Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0271

SYSTEM NAME:

Investigations and Complaints (February 22, 1993, 58 FR 10613).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete zip code and replace with: ''20340–5100''.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with: ''5 U.S.C. 301, Departmental Regulations; Pub. L. 95–452, the Inspector General Act of 1978; DoD Instruction 5106.3, Inspector General, DoD Inspection Program; DIA Manual 40–1, Investigations, Audits and Inspection—IG Activities; and EO 9397 (SSN).''

* * * * *

STORAGE:

Delete entry and replace with: ''Paper records in file folders and electronically in a database.''

* * * * *

SAFEGUARDS:

Delete entry and replace with: ''Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete zip code and replace with: ''20340–5100''.

NOTIFICATION PROCEDURE:

Delete entry and replace with: ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, telephone number and ''Social Security Number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with: ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with: ''DIA's rules for access records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.''

* * * * *

LDIA 0271

SYSTEM NAME:

Investigation and Complaints.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who filed a complaint acted upon by the Inspector General, DIA, or who were the subject of an Inspector General, DIA, investigation or inquiry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the organization, planning and execution of internal/external investigations and records created as a result of investigations conducted by the Office of the Inspector General, including reports of investigations, records of action taken and supporting papers. These files include investigations of both organizational elements and individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Public Law 95–452, the Inspector General Act of 1978; DoD Instructions 5106.3, Inspector General, DoD Inspection Program; DIA Manual 40–1, Investigations, Audits and Inspections—IG Activities; and EO 9397 (SSN).

PURPOSE(S):

Information is collected to determine the facts and circumstances surrounding a complaint filed with the office of the Inspector General by a Defense Intelligence Agency employee or to determine the facts and circumstances of matters under Inspector General inquiry of investigation. Information collected by the Inspector General is for the purpose of providing the Director, DIA, with a sound basis for just and intelligence action. Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the DoD, the Department of State, Department of Justice, Central Intelligence Agency and to other appropriate Government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosure generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronically in a database.

RETRIEVABILITY:

Filed by subject matter and case number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic rerecords are maintained on a classified and passwork protected system.

RETENTION AND DISPOSAL:

Records are held in current files for 5 years after completion and adjudication of all actions and retired to the Washington National Records Center. Investigations will be offered to the National Archives and complaints destroyed when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General's Office, Defense Intelligence Agency, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOTA), Defense Intelligence Agency, 200 MacDill Blvd, Washington DC 20340–5100.

Individual should provide their full name, current address, telephone number and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence AGency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individuals should provide their full name, current address, telephone number and Social Security Number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12 ''Defense Intelligence Agency Privacy Program''; 32 CFR part 315—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers from counselors and/or clinical directors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Part of this system may be exempt under 5 U.S.C. 552s(k)(2), (k)(5), or (k)(7), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information contact the system manager.

[FR Doc. 06–6309 Filed 7–18–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

[DOD–2006–OS–0160]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is amending a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on August 18, 2006, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2006.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S180.20 CA

SYSTEM NAME:

Biography File (December 31, 1997, 62 FR 68268).

CHANGES:

* * * * *

SYSTEM IDENTIFIER:

Delete ''CA'' from entry.

SYSTEM LOCATION:

Delete entry and replace with ''DLA Public Affairs, Headquarters, Defense Logistics Agency, ATTN: DP, 8725, John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221, and the Public

Affairs Offices of the DLA Field Activities. Official mailing addresses are published as an appendix to DLA's compilation systems of records notices.''

* * * * *

SYSTEM MANGER(S) AND ADDRESS:

Delete entry and replace with ''Director, DLA Public Affairs, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221, and the Heads of the Public Affairs Offices within each DLA Field Activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.''

CONTESTING RECORDS PROCEDURES:

Delete entry and replace with ''The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.''

* * * * *

S180.20

SYSTEM NAME:

Biography File.

SYSTEM LOCATION:

DLA Public Affairs, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221, and the Public Affairs Offices of the DLA Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected civilian and military personnel currently and formerly assigned to DLA and other persons affiliated with DLA and the Department of Defense (DoD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information provided by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and 10 U.S.C. 133, Under Secretary of Defense for Acquisition, Technology, and Logistics.

PURPOSE(S):

Information is maintained as background material for news and feature articles covering activities, assignments, retirements, and reassignments of key individuals; for use in introductions; in the preparation of speeches for delivery at change of command, retirement, award ceremonies, and community relations events; for congressional functions; and for site visits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, and local agency officials and/or private sector entities for use as background information for introductions, briefings, Congressional testimony, and/or meetings.

The DoD 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and electronic storage media.

RETRIEVABILITY:

Retrieved alphabetically by last name of individual.

SAFEGUARDS:

Records are maintained in a secure, limited access, or monitored area. Physical entry by unauthorized persons is restricted by the use of locks, guards, or administrative procedures. Access to personal information is limited to those who require the records to perform their official duties. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

RETENTION AND DISPOSAL:

Files are destroyed 2 years after retirement, transfer, separation, or death of the person concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DLA Public Affairs, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221, and the Heads of the Public Affairs Offices within each DLA Field Activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject and record subject's employing agency or organization.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 06–6310 Filed 7–18–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

U.S. Patent No. 5,656,933: SOLDER PASTE AND RESIDUE MEASUREMENT SYSTEM, Navy Case No. 76777, Inventors Frederickson et al, Issue date August 12, 1997.//U.S. Patent No. 5,721,632: EXCITED STATE POLARIZATION ALTERING OPTICAL FILTER, Navy Case No. 76540, Inventors Billmers et al, Issue date February 24, 1998.//U.S. Patent No. 5,822,045: MODULATOR LIDAR SYSTEM Navy Case No. 77098, Inventors Contarino et al, Issue date October 13, 1998.//Navy Case No. 95903: BOND INTEGRITY TOOL, Inventors Oh et al, U.S. Patent Application No. 11/417,287 filed May 01, 2006.//U.S. Patent No. 5,875,154: BARREL STAVE FLEXITENSIONAL PROJECTOR, Inventor DeChico, Issue date February 23, 1999.//U.S. Patent No. 5,921,294: AIR REFUELING DROGUE, Inventors Greenhalgh et al, Issue date July 13, 1999.//Navy Case No. 96400: APPARATUS AND METHOD TO AMALGAMATE SUBSTANCES, Inventors Wolfe et al, U.S. Patent Application No. 11/357,460 filed February 14, 2006. U.S. Patent No. 6,411,450: METHOD OF ASSESSING THE EFFECTIVENESS OF A LASER EYE PROTECTION DEVICE, Navy Case No. 82425, Inventors Gatewood Jr. et al, Issue date June 25, 2002.//U.S. Patent No. 7,010,339: HYBRID LIDAR-RADAR FOR MEDICAL DIAGNOSTICS, Navy Case No. 82987, Inventors Mullen et al, Issue date March 07, 2006.// U.S. Patent No. 7,025,304: HELICOPTER MESSENGER CABLE ILLUMINATION, Navy Case No. 83822, Inventor Kolliopoulo, Issue date April 11, 2006.

DATES: Request for data, samples, and inventor interviews should be made prior to August 31, 2006.

ADDRESSES: Request for data and inventor interviews should be directed to Mr. Paul Fritz, Naval Air Warfare Center Aircraft Division, Business Office, Office of Research and Technology Applications, Building 505, Room 116, 22473 Millstone Road, Patuxent River, MD 20670, telephone 301–342–5586 or E-Mail *Paul.Fritz@navy.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Hans Kohler, Office of Research and Technology Applications, Building 150/2, Naval Air Warfare Center Aircraft Division, Lakehurst, NJ 08733–5060, telephone 732–323–2948 or E-Mail *Hans.Kohler@navy.mil*, or Mr. Paul Fritz, Office of Research and Technology Applications, Building 505; Room 116, Naval Air Warfare Center Aircraft Division, 22473 Millstone Road, Patuxent River, MD 20670, telephone 301–342–5586 or E-Mail *Paul.Fritz@navy.mil.*

SUPPLEMENTARY INFORMATION: The Navy intends to move expeditiously to license these inventions. All licensing application packages and commercialization plans must be returned to Naval Air Warfare Center Aircraft Division, Business Development Office, Office of Research and Technology Applications, Building 505; Room 116, 22473 Millstone Road, Patuxent River, MD 20670.

The Navy, in its decisions concerning the granting of licenses, will give special consideration to existing licensee's, small business firms, and consortia involving small business firms. The Navy intends to ensure that its licensed inventions are broadly commercialized throughout the United States.

PCT application may be filed for each of the patents as noted above. The Navy intends that licensees interested in a license in territories outside of the U.S. will assume foreign prosecution and pay the cost of such prosecution.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: July 12, 2006.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U. S. Navy, Federal Register Liaison Officer.

[FR Doc. E6–11420 Filed 7–18–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant an Exclusive Patent License; Newcomer Supply, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Newcomer Supply, Inc., a revocable, non-assignable, exclusive license to practice worldwide the Government owned invention described in U.S. Patent No. 6,436,663: *Method for the Simultaneous Staining of Tissue Sections for Various Opportunistic Pathogens* issued August 20, 2002. The present invention relates to the field of simultaneous staining of tissue for various opportunistic pathogens.

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 Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone 301–319–7428 or e-mail *schlagelc@nmrc.navy.mil.*

Dated: July 12, 2006.

M.A. Harvison,

Lieutenant Commander, , Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 06–6352 Filed 7–18–06; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 18, 2006.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process

would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: July 13, 2006.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title: National Assessment of Educational Progress—2007 Mathematics, NIES, SD–ELL, Charter School.

Frequency: One time.

Affected Public: Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 461,845.

Burden Hours: 121,069.

Abstract: This is the second of three clearance packages for the NAEP 2007 assessment activities. This package covers mathematics background questionnaires for students, teachers, school administrators. In addition special questions for the National Indian Education component, for students with disabilities, English language learners, and charter schools are included in this clearance package.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3150. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E6–11442 Filed 7–18–06; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting and retreat.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Saturday, August 12, 2006, 8 a.m.–4:30 p.m.

ADDRESSES: Pollard Auditorium, 210 Badger Avenue, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–5333 or e-mail: *halseypj@oro.doe.gov* or check the Web site at *http://www.oakridge.doe.gov/em/ssab.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The retreat will focus on establishing the work of the Board for Fiscal Year 2007. Election of officers for Fiscal Year 2007 will be the order of business during the monthly meeting, which will begin at 4 p.m.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Center at 475 Oak Ridge Turnpike, Oak Ridge, TN between 8 a.m. and 5 p.m., Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831, or by calling her at (865) 576–4025.

Issued at Washington, DC, on July 14, 2006.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. E6–11424 Filed 7–18–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Federal Energy Management Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Federal Energy Management Advisory Committee (FEMAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that these meetings be announced in the **Federal Register** to allow for public participation. This notice announces the twelfth FEMAC public meeting, an advisory committee established under Executive Order 13123—''Greening the Government through Efficient Energy Management.''

DATES: August 8, 2006, 2 p.m. to 3:30 p.m.

ADDRESSES: Hyatt Regency Chicago, 151 East Wacker Drive, Acapulco Room, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Rick Klimkos, Designated Federal Officer, Office of Federal Energy Management Programs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586–8287.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To seek input and feedback from interested parties on working group recommendations to

meet mandated Federal energy management goals.

Tentative Agenda: Agenda will include discussions on the following topics:

- Update on FEMAC working group activities.
- Discussion on FEMAC priorities.
- Open public discussion.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Federal Energy Management Advisory Committee. If you would like to file a written statement with the committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Rick Klimkos at (202) 586–8287 or *rick.klimkos@ee.doe.gov* (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The chair of the committee will make every effort to hear the views of all interested parties. The chair will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room; Room 1E–190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 13, 2006.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E6–11422 Filed 7–18–06; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0071; FRL–8199–5]

Agency Information Collection Activities; Submission for OMB Review and Approval; Comment Request; NESHAP for Mercury (Renewal), EPA ICR Number 0113.09, OMB Control Number 2060–0097

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and costs.

DATES: Additional comments may be submitted on or before August 18, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0071, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance (OC), (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; e-mail address: *williams.learia@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID number EPA–HQ–OECA–2005–0071, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Cetner is (202) 566–1927.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov*, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: NESHAP for Mercury (Renewal).

ICR Numbers: EPA ICR Number 0113.09, OMB Control Number 2060–0097.

ICR Status: This ICR is schedules to expire on August 31, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for mercury were proposed on December 7, 1971, promulgated on April 6, 1973, and amended on October 14, 1975, March 19, 1987 and October 17, 2000. These standards apply to all stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge. Approximately 107 sources (100 sludge incineration and drying plants and seven mercury-cell chlor-alkali plants) are currently subject to the standard; and no

additional sources are expected to become subject to the standard in the next three years. Mercury is the pollutant regulated under this standard. This information is being collected to ensure compliance with 40 CFR part 61, subpart E.

Owners or operators of affected facilities must make the following one-time only notification: Date of construction or reconstruction, anticipated and actual dates of startup; physical or operational change to an existing facility; date of initial performance test; and results of initial performance test. These facilities must also maintain records of performance test results, and startup, shutdowns, and malfunctions. In order to ensure compliance with the standards, adequate recordkeeping and reporting is necessary. This information enables the Agency to identify the sources subject to the standard, ensure initial compliance with emission limits, and verify continuous compliance with the standard.

Any owner or operator subject to the provisions of this subpart must maintain a file of these measurements, and retain the file for at least two years following the collection of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 160 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Mercury processing facilities.

Estimated Number of Respondents: 107.

Frequency of Response: Annually, semiannually, and initially.

Estimated Total Annual Hour Burden: 20,490.

Estimated Total Annual Costs: Zero.

Changes in the Estimates: There is an increase of 2,672 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The increase in burden is due to the fact that we are presently accounting for technical, managerial, and clerical burdens in the renewal package. The previous version of the ICR omitted the managerial and clerical burdens and used only technical. There was also a change in the labor rate which contributed to the increase in cost.

There are no changes in the capital/startup and operations and maintenance (O&M) costs from the previous ICR.

Dated: July 11, 2006.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–11429 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2004–0035; FRL–8199–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Survey of Drinking Water Treatment Facilities; EPA ICR No. 2176.01, OMB Control No. 2040–XXXX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 18, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2004–0035, to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket (Mail Code 4101T), 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. M. Ahmar Siddiqui, Office of Water (Mail Code 4303T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–1044; fax number: (202) 566–1053; e-mail address: *siddiqui.ahmar@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 5, 2005 (70 FR 38675), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received several comments during the comment period from trade associations, utilities, state agencies, and private citizens, which are addressed in this ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2004–0035, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–2426.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains

copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Survey of Drinking Water Treatment Facilities.

ICR numbers: EPA ICR No. 2176.01, OMB Control No. 2040–XXXX.

ICR Status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: In its 2004 Effluent Guidelines Program Plan (September 2, 2004; 69 FR 53705), which EPA published under Clean Water Act (CWA) section 304(m), EPA identified the ''drinking water treatment point source category'' as a candidate for rulemaking. EPA is collecting information from drinking water treatment facilities to develop effluent guidelines or pretreatment standards necessary to control the discharge of toxic and non-conventional pollutants into surface waters of the United States and to publicly owned treatment works (POTWs).

In order to inform the rulemaking process, EPA is conducting several data collection activities. The technical survey announced in this **Federal Register** notice would provide EPA with preliminary technical data needed to quantify any adverse environmental impacts of the discharges of residuals and metals from drinking water treatment facilities and to obtain information about finished water production and current residuals generation and management techniques.

The technical survey is composed of a questionnaire. The questionnaire would allow EPA to collect information from facilities that serve populations greater than 10,000. EPA would use data from the questionnaire to better classify drinking water treatment facilities by treatment practices, residuals characteristics, and residuals management methods. EPA expects to collect additional information from some of the recipients of the questionnaire announced today through a follow-up detailed questionnaire.

If approved, the survey will be administered under authority of section 308 of the CWA, 33 U.S.C. 1318. As a result, all recipients of the questionnaire would be required to complete and return the questionnaire to EPA. 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.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6.7 hours per unique response to the questionnaire. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: The respondents affected by this information collection request are drinking water treatment plants that generated residuals in 2005. More specifically, the recipients of the questionnaire would be drinking water treatment utilities serving populations in excess of 10,000.

Estimated Number of Respondents: 618.

Frequency of Response: This is a one-time information collection.

Estimated Total Annual Hour Burden: 4,143.

Estimated Total Annual Cost: $145,544, includes $6,732 annualized capital or O&M costs.

Changes in the Estimates: Because this is a request for a new ICR, there is no change in the number of hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: July 11, 2006.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–11432 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2005–0070; FRL–8199–3]

Agency Information Collection Activities; Submission for OMB Review and Approval; Comment Request; NESHAP for Hydrochloric Acid Production (Renewal), EPA ICR Number 2032.04, OMB Control Number 2060–0529

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and costs.

DATES: Additional comments may be submitted on or before August 18, 2006.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2005–0070, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance (OC), (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; e-mail address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 21, 2005 (70 FR 55368), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional

comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID number EPA–HQ–OECA–2005–0070, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NESHAP for Hydrochloric Acid Production (Renewal).

ICR Numbers: EPA ICR Number 2032.04, OMB Control Number 2060–0529.

ICR Status: This ICR is schedules to expire on July 31, 2006. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for hydrochloric acid production were proposed on September 18, 2001, (66 FR 48174), final rule on April 17, 2003 (68 FR 19076), amended on August 24, 2005 (70 FR 49530), and promulgated on April 7, 2006, (71 FR 17738). These standards apply to each existing, new, or reconstructed effected major source at a hydrochloric acid (HCl) production facility.

An HCl production facility is a collection of units operations and equipment associated with the production of liquid HCl products. The hazardous air pollutants (HAP) identified as being emitted from HCl production sources are hydrochloric acid (HCl) and chlorine (Cl_2). A major source of HAP is one that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (10 tons) or more per year or any combination of HAP at a rate of 22.68 megagrams (25 tons) or more per year. Respondents must submit one-time only notifications, compliance status report, and initial performance test results. Owners/operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operations of an affected facility, or any period during which the monitoring system is inoperative. Semiannual summary reports are also required.

Any owner or operator subject to the provisions of this subpart must maintain a file of these measurements, and retain the file for at least five years following the collection of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 541 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Hydrochloric acid (HCl) production facility.

Estimated Number of Respondents: 75.

Frequency of Response: On occasion, initially, annually and semiannually.

Estimated Total Annual Hour Burden: 94,104.

Estimated Total Annual Costs: $8,647,759 which includes $54,000 annualized capital startup costs, $634,000 annualized O&M costs, and $7,959,759 annual labor costs..

Changes in the Estimates: There is an increase of 44,785 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The increase in burden from the most recently approved ICR is due to the requirements of the rule. Because of the requirements, the respondent universe varied among the different activities, since not all of the respondents must complete each activity each year. It is not until the third year following promulgation that all sources must be in compliance and thus, subject to the rule. We are therefore, accounting for all of the sources that are subject to the recordkeeping and reporting requirements in this ICR. There is an increase of two additional sources per year over the three years of this ICR. There was an increase in the labor rates which also contributed to an increase in the cost burden.

There is an increase in the capital/startup and operations and maintenance (O&M) costs from the previous ICR. This is due to the fact that all sources are presently in compliance with the standards. The increase in cost can also be attributed to an increase in the number of sources.

Dated: July 11, 2006.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E6–11433 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8199–1]

Membership on the Coastal Elevations and Sea Level Rise Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations to the Coastal Elevations and Sea Level Rise Advisory Committee (CESLAC).

SUMMARY: The U.S. Environmental Protection Agency is inviting nominations for membership on the Coastal Elevations and Sea Level Rise Advisory Committee (CESLAC). The purpose of the Committee is to provide advice on the conduct of a study titled *Coastal Elevations and Sensitivity to Sea Level Rise* to be conducted as part of the U.S. Climate Change Science Program (CCSP). The draft prospectus for the study titled *Coastal Elevations and Sensitivity to Sea Level Rise* is on the CCSP Web site at *http://www.climatescience.gov/Library/sap/sap4-1/sap4-1prospectus-draft.htm* Committee membership will total approximately fifteen persons and will include a balanced representation of individuals from the Federal Government, State and/or local governments, the scientific community, non-governmental organizations and the private sector, with expertise, experience, knowledge and interests essential to, or affected by, the successful completion of the study.

Nominations should be received within twenty-one days of the date of this **Federal Register** notice. Any interested person or organization may submit a nomination. Nominations must include a complete resume of the nominee's background, experience and expertise, and any other information considered relevant. Additional avenues and resources will be utilized by EPA in the solicitation of nominees.

ADDRESSES: Submit nominations to: Jack Fitzgerald (6207J), Climate Change Division, Office of Atmospheric Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; e-mail address: *Fitzgerald.jack@epa.gov,* fax: (202) 343–2337.

FOR FURTHER INFORMATION CONTACT: Jack Fitzgerald (6207J), Climate Change Division, Office of Atmospheric Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343–9336; e-mail address: *Fitzgerald.jack@epa.gov.*

SUPPLEMENTARY INFORMATION: A copy of the Committee Charter is available at *http://www.fido.gov/facadatabase/.* The purpose of the Committee is to provide advice on the conduct of a study titled *Coastal Elevations and Sensitivity to Sea Level Rise* to be conducted as part of the U.S. Climate Change Science Program (CCSP). This study will give particular attention to the coastal area of the U.S. between the states of New York and North Carolina. Within the context of the basic study plan established in the prospectus, CESLAC will advise on the specific issues to be addressed, appropriate technical approaches, the nature of information relevant to decision makers, the content of the final assessment report, compliance with the Information Quality Act, and other matters important to the successful achievement of the objectives of the study. Individuals and organizations interested in submitting nominations for membership should familiarize themselves with the draft prospectus for this study, which is available at *http://www.climatescience.gov/Library/sap/sap4-1/sap4-1prospectus-draft.htm.* CESLAC is expected to meet three times before the end of 2007—twice in the Washington, DC, area and once in a coastal or near-coastal community.

Nominations should be sent preferably by e-mail. If sent by either fax or regular mail, sender is encouraged to phone (202) 343–9336 in advance.

Dated: July 7, 2006.

William L. Wehrum,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. E6–11470 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2004–0292; FRL–8076–8]

Pyraclostrobin; Objections to Pesticide Tolerances; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of objections filed with respect to the establishment and increase of various pyraclostrobin tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA). The objections were filed on June 5, 2006 by the Natural Resources Defense Council (NRDC). NRDC's objections assert that EPA unlawfully removed the additional 10X safety factor for the protection of infants and children. Additionally NRDC claims that EPA's action was arbitrary and capricious for failure to provide an inadequate explanation for its decision on the children's safety factor, and because EPA never received information EPA deemed necessary to its review of the pesticide. This Notice seeks comment on the NRDC objections.

DATES: Comments must be received on or before September 18, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number(s) EPA–HQ–OPP–2004–0292, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number(s) EPA–HQ–OPP–2004–0292. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket 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 in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT:

Tony Kish, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9443; fax number: (703) 308-9382; e-mail address: *kish.tony@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may 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. What Should I Consider as I Prepare My Comments for EPA?

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

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

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

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

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

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

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

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

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

II. Background

A. What Action is the Agency Taking?

On June 5, 2006, the NRDC filed objections to a final rule establishing several new pesticide tolerances and increasing several existing tolerances for pyraclostrobin. 71 FR 17014 (April 5, 2006). Pesticide tolerances are established under section 408 of the FFDCA, 21 USC 346a. The new tolerances were for bean, succulent, shelled; legume vegetables group, foliage, in crop group 7; mango (import); and papaya (import). Tolerances were increased for almond, hulls; pea and bean, dried shelled, except soybean, subgroup 6C; and strawberry.

NRDC's objections assert that EPA unlawfully removed the additional 10X safety factor for the protection of infants and children. Additionally NRDC claims that EPA's action was arbitrary and capricious for failure to provide an inadequate explanation for its decision on the children's safety factor and because EPA never received information EPA deemed necessary to its review of the pesticide.

Because the issues raised by NRDC concern matters of great interest not just to NRDC but to growers, food distributors and processors, and pesticide manufacturers as well as members of the public, EPA believes it decision-making will be enhanced by obtaining the views of all affected parties. For that reason, EPA is publishing this notice of availability of NRDC's objections and requesting comment on the objections. The objections are available in the OPP Regulatory Public Docket under the docket for the tolerance rules in question: OPP-2004-0292. The OPP Regulatory Public Docket is physically located at the address included in the **ADDRESSES** section above. The dockets for these rulemakings are also available online in the Federal Government's electronic docket at www.regulations.gov.

B. What is the Agency's Authority for Taking this Action?

Under section 408(g)(2)(A) of the FFDCA, any person may file objections with EPA within 60 days of issuance of a final tolerance regulation, 21 U.S.C. 346a(g)(2). Such person may also request a public evidentiary hearing on the objections; however, NRDC has not requested such a hearing. Under EPA regulations, EPA must publish an order setting forth its determination on each of NRDC's objections, 40 CFR 178.37(a). Such order must contain EPA's reasons for its determination, 40 CFR 178.37(b). If based on the objections EPA determines that the tolerance regulation should be modified or revoked, EPA will publish by order any revisions to the regulation, 21 U.S.C. 346a(g)(2)(C); 40 CFR 178.35.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 7, 2006.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E6–11480 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0265; FRL–8077–7]

DCNA Reregistration Eligibility Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Reregistration Eligibility Decision (RED) for the pesticide DCNA (Dicloran), and opens a public comment period on this document. The Agency's risk assessments and other related documents also are available in the DCNA (2,6-dichloro-4-nitroaniline) Docket. DCNA, also referred to as Dicloran, is a fungicide used to control pathogenic species such as *Botrytis, Monilinia, Rhizopus, Sclerotinia and Sclerotium*. DCNA is registered for agriculture and horticulture uses. Its registered formulations include dusts, wettable powders, and flowable concentrates. These products can be applied using aerial, airblast, groundboom, chemigation, and hand-application methods. EPA has reviewed DCNA through the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

DATES: Comments must be received on or before August 18, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2005–0265, by one of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2005–0265. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: James Parker, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 306-0469; fax number: (703) 308-7070; e-mail address: *parker.james@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may 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. What Should I Consider as I Prepare My Comments for EPA?

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

2. *Tips for preparing your comments*. When submitting comments, remember to:

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

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

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

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

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

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

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

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

II. Background

A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. EPA has completed a Reregistration Eligibility Decision (RED) for the pesticide, DCNA, under section 4(g)(2)(A) of FIFRA. Dicloran is currently registered for preharvest uses on apricots, beans (snap), celery, cherries (sweet), cucumbers, endive (escarole), fennel, garlic, grapes, lettuce (head and leaf), nectarines, onions, peaches, plums, potatoes, rhubarb, shallots, tomatoes, conifers, Christmas trees, and ornamentals. It is also registered for postharvest uses on carrots and sweet potatoes. EPA has determined that the data base to support reregistration is substantially complete and that products containing DCNA are eligible for reregistration depending on their specific uses, provided the risks are mitigated in the manner described in the RED. Upon submission of any required product specific data under section 4(g)(2)(B) and any necessary changes to the registration and labeling (either to address concerns identified in the RED or as a result of product specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) for products containing DCNA.

EPA must review tolerances and tolerance exemptions that were in effect when the Food Quality Protection Act (FQPA) was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the DCNA tolerances included in this notice.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819)(FRL–7357–9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, DCNA was reviewed through the modified 4-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for DCNA.

The reregistration program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is issuing the DCNA RED for public comment. This comment period is intended to provide an additional opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for DCNA. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and regulations.gov. If any comment significantly affects the document, EPA also will publish an amendment to the RED in the **Federal Register**. In the absence of substantive comments requiring changes, the DCNA RED will be implemented as it is now presented.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration, before calling in product specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

Section 408(q) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 11, 2006.

Debra Edwards,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. E6–11349 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0587; FRL–8077–8]

Notice of Filing of a Pesticide Petition for Exemption from the Requirement of a Tolerance for Residues of the Biochemical Pesticide Eucalyptus Oil in or on Honey or Honeycomb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of an exemption from the tolerance for residues of the pesticide chemical eucalyptus oil in or on honey and honeycomb.

DATES: Comments must be received on or before August 18, 2006.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0587 and pesticide petition number PP 6E7082, by one of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2006–0587. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any

personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT:

Driss Benmhend, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9525; e-mail address: *benmhend.driss@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

B. What Should I Consider as I Prepare My Comments for EPA?

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

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

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

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

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

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

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

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

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

II. What Action is the Agency Taking?

EPA is printing a summary of each pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner is available on EPA's Electronic Docket at *http://www.regulations.gov*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

New Exemption from Tolerance

PP 6E7082. Brushy Mountain Bee Farm, c/o IR-4 Project Rutgers University, 681 US Highway 1 South, North Brunswick, New Jersey 08902, proposes to establish an exemption from the requirement of a tolerance for residues of the biochemical pesticide eucalyptus oil, in or on honey, honeycomb, and honeycomb with honey. Because this petition is a request for an exemption from the requirement of a tolerance without numerical limitations, no analytical method is required.

List of Subjects

Environmental protection, Agricultural commodities, Feed

additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 30, 2006.

Janet L. Andersen,

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

[FR Doc. E6–11269 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0349; FRL–8060–6]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: Sharlene Matten, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–0514; e-mail address: *matten.sharlene@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, 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 information in this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket*. EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2006–0349. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

II. EUP

EPA has issued the following EUP:

264–EUP–140. Issuance. Bayer CropScience LP, 2 T. W. Alexander Drive, Research Triangle Park, NC 27709. This EUP allows the use of 0.071 pounds (32 grams) of the insecticide *Bacillus thuringiensis* Cry1Ab protein and the genetic material necessary for its production on 370 acres of Events T303–3 and T304–40 cotton plants to evaluate the control of cotton bollworm (*Helicoverpa zea*) and tobacco budworm (*Heliothis virescens*). The program is authorized only in the States of Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, and Texas. The EUP is effective from February 7, 2006 to January 31, 2007.

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection, Experimental use permits.

Dated: July 10, 2006.

Phil Hutton,

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

[FR Doc. E6–11270 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2006–0248; FRL–8199–8]

Review of Environmental Protection Agency Draft Guidance for Implementing Executive Order 13175, Consultation and Coordination With Indian Tribal Governments; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On April 19, 2006, EPA released for public comment, its draft *Guidance, Executive Order 13175: Consultation and Coordination with Indian Tribal Governments* (''Guidance'') in the **Federal Register**. The draft Guidance addresses the provisions of Executive Order 13175 (''EO 13175'') and how EPA generally intends to implement EO 13175 in connection with relevant EPA activities. This notice announces a 60 day extension of the comment period for the draft *Guidance, Executive Order 13175: Consultation and Coordination with Indian Tribal Governments* (''Guidance''). This extension is necessary to accommodate requests that we provide the public more time to review and comment on the materials.

DATES: The comment period previously expiring on July 19, 2006, is extended to September 19, 2006.

ADDRESSES: For detailed instructions on the submission of comments, follow the instructions provided under **ADDRESSES** in the **Federal Register** document of April 19, 2006.

FOR FURTHER INFORMATION CONTACT: Joan Crawford, Office of Policy, Economics and Innovation, Mail Code 1803A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–6568; fax number: (202) 564–0965, e-mail: *crawford.joan@epa.gov* or Jose Aguto, American Indian Environmental Office, Mailcode 4104, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–0289; fax number: (202) 564–0298, e-mail: *aguto.jose@epa.gov*.

SUPPLEMENTARY INFORMATION:

General Information

I. Does This Action Apply to Me?

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

II. What Action Is the Agency Taking?

In the **Federal Register** of April 19, 2006 (71 FR 20313) (FRL–8159–9), EPA released for public comment, its draft *Guidance, Executive Order 13175: Consultation and Coordination with Indian Tribal Governments* (''Guidance'') in the **Federal Register**. The draft Guidance addresses the provisions of Executive Order 13175 (''EO 13175'') and how EPA generally intends to implement EO 13175 in connection with relevant EPA activities. EPA has received requests for an

extension of the comment period from Lone Pine Paiute-Shoshone Reservation, the Hualapai Nation, and United South and Eastern Tribes, Incorporated. To allow additional time for comment EPA is extending the comment period established in the **Federal Register** issued on April 19, 2006 (71 FR 20313) for an additional 60 days. As extended, the comment period for this draft Guidance expires September 19, 2006. Prior to this extension, the comment period was scheduled to expire July 19, 2006.

III. Do Any Statutory and Executive Order Reviews Apply to This Action?

No. This action is not a rulemaking, it merely extends the date by which public comments must be submitted on a draft Guidance document that EPA published in the **Federal Register** of April 19, 2006 (71 FR 20313).

Comments received within the 60 day extension period designated in this notice will be taken under consideration as the EPA workgroup continues drafting the Guidance and the key attachments to the Guidance.

Dated: July 14, 2006.

Brian F. Mannix,

Associate Administrator, Office of Policy, Economics and Innovation.

[FR Doc. E6–11448 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8199–2]

Public Water Supply Supervision Program; Program Revision for the State of Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Tentative Approval.

SUMMARY: Notice is hereby given that the State of Idaho has revised its approved State Public Water Supply Supervision (PWSS) Primacy Program. Idaho has revised its PWSS program with respect to administrative penalty authority, has adopted a revised definition of public water system, and has adopted drinking water regulations requiring consumer confidence reports from all community water systems. Idaho has also adopted regulations for the Interim Enhanced Surface Water Treatment Rule, the Stage 1 Disinfectants and Disinfection Byproducts Rule, the Lead and Copper Rule Minor Revisions, the Public Notification Rule, the Radionuclides Rule, the Filter Backwash Recycling Rule, the Long Term 1 Enhanced Surface Water Treatment Rule, and the Arsenic Rule. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these State program revisions. By approving these rules, EPA does not intend to affect the rights of Federally recognized Indian tribes within ''Indian country'' as defined by 18 U.S.C. 1151, nor does it intend to limit existing rights of the State of Idaho.

All interested parties may request a public hearing. A request for a public hearing must be submitted by August 18, 2006 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by August 18, 2006, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on August 18, 2006.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, at the Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706 and between the hours of 9 a.m.–12 and 1 p.m.–2:30 p.m. at the EPA Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, EPA Region 10, Drinking Water Unit, at the Seattle address given above; telephone (206) 553–1890.

Authority: Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR Part 142 of the National Primary Drinking Water Regulations.

Dated: July 11, 2006.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

[FR Doc. E6–11469 Filed 7–18–06; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

July 11, 2006.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information, subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 18, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to: *PRA@fcc.gov.* To submit your comments by U.S. mail, mark it to the attention of Leslie F. Smith, Federal Communications Commission, 445 12th Street, SW., Room 1–A804, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Leslie F. Smith at 202–418–0217.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0949.

Title: Interstate Telecommunications Service Provider Worksheet.

Form Number: FCC Form 159-W.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 3,400.

Estimated Time per Response: 0.5 hours (30 minutes).

Frequency of Response: On occasion and annual reporting requirements.

Total Annual Burden: 1,700 hours.

Total Annual Costs: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Section 9 of the Communications Act of 1934, as amended, authorizes the FCC to assess and to collect regulatory fees to recover costs incurred in carrying out the Commission's enforcement actions, policies, rulemaking activities, and user information services. Telecommunications licensees and permittees that provide interstate, international, mobile, and satellite services, including telephone operator services, must pay those fees, which are based upon a percentage of the licensee/permittee's interstate revenues. The FCC requires telecommunications licensees and permittees to file FCC Form 159–W to determine how much of each telecommunications carrier's interstate revenues are available to the carrier by extraction from another information collection, Telecommunications Reporting Worksheet, FCC Form 499–A (OMB Control Number 3060–0855). The FCC developed FCC Form 159–W to provide a convenient format for these telecommunications licensees and permittees to verify the information that is extracted from the interstate revenue information (which are already ''populated'' on this form) and to complete and/or verify the simple calculation of the fee amount that is due, correcting any inaccuracies as necessary. The FCC uses this information to determine if the telecommunications licensee or permittee has properly calculated the amount of its regulatory fee. The FCC is making minor revisions to FCC Form 159–W to provide a clearer format. Respondents may access FCC Form 159–W online through the FCC's Web page: *http://www.fcc.gov/frnreg.*

OMB Control Number: 3060–0917.

Title: CORES Registration Form.

Form Number: FCC Form 160.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents: 156,000.

Estimated Time per Response: 10 minutes (0.166 hours).

Frequency of Response: One time reporting requirement.

Total Annual Burden: 26,520 hours.

Total Annual Costs: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Respondents use FCC Form 160 to register with the Commission's CORES program Respondents may register online through *http://www.fcc.gov/frnreg.* By registering, the respondent receives a FCC Registration Number (FRN), which is required for anyone doing business with the Commission, and which FCC Form 160 is used to collect information that pertains to the entity's name, address, contact representative, telephone number, e-mail address, and fax number. The Commission uses this information to collect and to report on any delinquent amounts arising from the respondent's business dealings with the FCC, including both ''feeable'' and ''nonfeeable'' services. The CORES Registration program also enables the Commission to ensure that registrants (respondents) receive any refunds due, to service public inquiries, and to comply with the Debt Collection Improvement Act of 1996.

OMB Control Number: 3060–0918.

Title: CORES Update/Change Form.

Form Number: FCC Form 161.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents: 57,600.

Estimated Time per Response: 10 minutes (0.166 hours).

Frequency of Response: One time reporting requirement.

Total Annual Burden: 9,792 hours.

Total Annual Costs: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Once respondents have registered with the CORES (Commission Registration System) database and been issued a FCC Registration Number (FRN), the unique identifier for doing business with the Commission, respondents may use FCC Form 161 to update and/or change their name, address, telephone number, e-mail address, fax number, contact representative, contact representative's address, telephone number, e-mail address, and/or fax number, which they have entered previously in the CORES database. FCC Form 161 may be accessed through the FCC Web page: *http://www.fcc.gov/frnreg.* The FCC uses CORES to ensure that respondents receive any refunds due, to service public inquiries, and to comply with the Debt Collection Act of 1996.

OMB Control Number: 3060–0919.

Title: CORES Certification Form.

Form Number: FCC Form 162.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents: 200.

Estimated Time per Response: 5 minutes (0.084 hours).

Frequency of Response: One time reporting requirement.

Total Annual Burden: 17 hours.

Total Annual Costs: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Once respondents have registered CORES (Commission Registration System) database and been issued a FCC Registration Number (FRN), the unique identifier for doing business with the Commission, respondents must use FCC Form 162 when filing any non-feeable manual application form with the FCC, which may be accessed through the FCC's Web page: *http://www.fcc.gov/frnreg.* The Commission uses the information on FCC Form 162 to service public inquiries and to comply with the Debt Collection Improvement Act of 1996. Respondents may also use to certify that the respondent's FCC Registration Number (FRN) is correct.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E6–11411 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2777]

Petitions for Reconsideration of Action in Rulemaking Proceeding

July 7, 2006.

Petitions for Reconsideration have been filed in the Commission's

Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by August 3, 2006. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Amendment of Part 2 of the Commission's Rules to Allocate Spectrum below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems (ET Docket No. 00–258).

Number of Petitions Filed: 2.

Marlene H. Dortch,

Secretary.

[FR Doc. E6–11049 Filed 7–18–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on this agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202–523–5793 or *tradeanalysis@fmc.gov*).

Agreement No.: 011891–001.

Title: Hapag-Lloyd/NYK Space Charter Agreement.

Parties: Hapag-Lloyd Container Linie GmbH and Nippon Yusen Kaisha.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment adds the Dominican Republic to the scope of the agreement.

By Order of the Federal Maritime Commission.

Dated: July 14, 2006.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E6–11434 Filed 7–18–06; 8:45 am]

BILLING CODE 6730–01–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 August 14, 2006.

A. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Community Bancshares of Mississippi, Inc. Employee Stock Ownership Plan, Brandon, Mississippi; to acquire up to an additional 1 percent of the voting shares of Community Bancshares of Mississippi, Inc., Brandon, Mississippi, and thereby indirectly acquire Community Bank, Amory, Amory, Mississippi; Community Bank of Mississippi, Forest, Mississippi; Community Bank, Meridian, Meridian, Mississippi; Community Bank, N.A., Memphis, Tennessee; Community Bank, Ellisville, Ellisville, Mississippi; Community Bank, Coast, Biloxi, Mississippi; First Lucedale Bancorp, Inc., Lucedale, Mississippi; and Community Bank, N.A., Lucedale, Mississippi.

B. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. Western Alliance Bancorporation, Las Vegas, Nevada; to acquire 100 percent of the voting shares of Alta Alliance Bank, Oakland, California, in organization.

Board of Governors of the Federal Reserve System, July 14, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–11439 Filed 7–18–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[File No. 051 0219]

Austin Board of Realtors; Analysis of Agreement Containing 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 draft 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 August 11, 2006.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Austin Board of Realtors, File No. 051 0219,'' 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

[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.

Continued

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 Web site, 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 Web site. 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: Patrick J. Roach, Bureau of Competition, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2793.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, 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 July 13, 2006), on the World Wide Web, at *http://www.ftc.gov/os/2006/07/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 for public comment an Agreement Containing Consent Order with the Austin Board of Realtors (''ABOR'' or ''Respondent''), an association of real estate brokers in the Austin, Texas, metropolitan area. The Agreement settles charges that ABOR violated section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, by engaging in a concerted refusal to deal except on specified terms with respect to a key input for the provision of real estate services. The proposed consent order has been placed on the public record for 30 days to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed order final.

The purpose of this analysis is to facilitate comment on the proposed order. The analysis does not constitute an official interpretation of the agreement and proposed order, and does not modify their terms in any way. Further, the proposed consent order has been entered into for settlement purposes only, and does not constitute an admission by Respondent that it violated the law or that the facts alleged in the complaint (other than jurisdictional facts) are true.

I. Industry Background

A Multiple Listing Service, or ''MLS,'' is a cooperative venture by which real estate brokers serving a common local market area submit their listings to a central service, which in turn distributes the information, for the purpose of fostering cooperation among brokers and agents in real estate transactions. The MLS facilitates transactions by putting together a home seller, who contracts with a broker who is a member of the MLS, with prospective buyers, who may be working with other brokers who are also members of the MLS. Membership in the MLS is limited to member brokers who generally must possess a license to engage in real estate brokerage services and meet other criteria set by MLS rules.

Prior to the late 1990s, the listings on an MLS were typically directly accessible only to real estate brokers who were members of a local MLS. The MLS listings typically were made available through books or dedicated computer terminals, and generally could only be accessed by the general public by physically visiting a broker's office or by receiving a fax or hand delivery of selected listings from a broker.

Information from an MLS is now typically available to the general public not only through the offices of brokers who are MLS members, but also through three principal categories of internet Web sites. First, information concerning many MLS listings is available through *Realtor.com*, a national Web site run by the National Association of Realtors (''NAR''). *Realtor.com* contains listing information from many local MLS systems around the country and is the largest and most-used internet real estate Web site. Second, information concerning MLS listings is often made available through a local MLS-affiliated web site, such as Austinhomesearch.com. Third, information concerning MLS listings is often made available on the internet sites of various real estate brokers, who choose to provide these web sites as a way of promoting their brokerage services. Most of these various Web sites receive information from an MLS pursuant to a procedure known as Internet Data Exchange (''IDX''), which is typically governed by MLS policies. The IDX policies allow operators of approved Web sites to display MLS active listing information to the public.

As a survey of home buyers and sellers conducted by the National Association of Realtors has shown, home buyers are increasingly relying upon the internet in their search for homes, and web sites of the kind affected by the Web Site Policy are the most popular internet sites for home buyers.[2] According to the NAR survey, 74 percent of home buyers nationally used the internet to assist in their home search, with 53 percent reporting frequent internet searches; 15 percent of respondents first learned about the home they selected from the internet; 69 percent of home buyers found the internet to be a ''very useful'' source of information, and a total of 96 percent found the internet to be either ''very useful'' or ''somewhat useful.'' [3] Moreover, the NAR Survey makes clear

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).

[2] Paul C. Bishop, Thomas Beers and Shonda D. Hightower, the 2004 National Association of Realtors Profile of Home Buyers and Sellers (''NAR Survey'') at 3–3, 3–4, 3–5, 3–6, 3–18.

[3] *Id. See Home Buyer & Seller Survey Shows Rising Use of Internet, Reliance on Agents* (January 17, 2006), available at *http://www.realtor.org/PublicAffairsWeb.nsf/Pages/HmBuyerSellerSurvey06?OpenDocument.*

that the overwhelming majority of Web sites used nationally in searching for homes contain listing information that is provided by local MLS systems.[4]

A. Types of Real Estate Brokerage Professionals

A typical real estate transaction involves two real estate brokers: these are commonly known as a ''Listing Broker'' and a ''Selling Broker.'' The Listing Broker is hired by the seller of the property to locate an appropriate buyer. The seller and the Listing Broker agree upon compensation, which is determined by written agreement negotiated between the seller and the Listing Broker. In a common traditional listing agreement, the Listing Broker receives compensation in the form of a commission, which is typically a percentage of the sales price of the property, payable if and when the property is sold. In such a traditional listing agreement, the Listing Broker agrees to provide a package of real estate brokerage services, including promoting the listing through the MLS and on the internet, providing advice to the seller regarding pricing and presentation, fielding all calls and requests to show the property, supplying a lock-box so that potential buyers can see the house with their agents, running open houses to show the house to potential buyers, negotiating with buyers or their agents on offers, assisting with home inspections and other arrangements once a contract for sale is executed, and attending the closing of the transaction.

The other broker involved in a typical transaction is commonly known as the Selling Broker. In a typical transaction, a prospective buyer will seek out a Selling Broker to identify properties that may be available. This Selling Broker will discuss the properties that may be of interest to the buyer, accompany the buyer to see various properties, try to arrange a transaction between buyer and seller, assist the buyer in negotiating the contract, and help in further steps necessary to close the transaction. In a traditional transaction, the Listing Broker offers the Selling Broker a fixed commission, to be paid from the Listing Broker's commission when and if the property is sold. Real estate brokers typically do not specialize as only Listing Brokers or Selling Brokers, but often function in either role depending on the particular transaction.

B. Types of Real Estate Listings

The relationship between the Listing Broker and the seller of the property is established by agreement. The two most common types of agreements governing listings are Exclusive Right to Sell Listings and Exclusive Agency Listings. An Exclusive Right to Sell Listing is the traditional listing agreement, under which the property owner appoints a real estate broker as his or her exclusive agent for a designated period of time, to sell the property on the owner's stated terms, and agrees to pay the Listing Broker a commission if and when the property is sold, whether the buyer of the property is secured by the Listing Broker, the owner or another broker.

An Exclusive Agency Listing is a listing agreement under which the Listing Broker acts as an exclusive agent of the property owner or principal in the sale of a property, but under which the property owner or principal reserves a right to sell the property without assistance of the Listing Broker, in which case the Listing Broker is paid a reduced or no commission when the property is sold.

Some real estate brokers have attempted to offer services to home sellers on something other than the traditional full-service basis. Many of these brokers, often for a flat fee, will offer sellers access to the MLS's information-sharing function, as well as a promise that the listing will appear on the most popular real estate Web sites. Under such arrangements, the Listing Broker does not offer additional real estate brokerage services as part of the flat fee package, but allows sellers to purchase additional services if sellers so desire. These non-traditional arrangements often are structured using Exclusive Agency Listing contracts.

There is a third type of real estate listing that does not involve a real estate broker, which is a ''For Sale By Owner'' or ''FSBO'' listing. With a FSBO listing, a home owner will attempt to sell a house without the involvement of any real estate broker and without paying any compensation to such a broker, by advertising the availability of the home through traditional advertising mechanisms (such as a newspaper) or FSBO-specific Web sites.

There are two critical distinctions between an Exclusive Agency Listing and a FSBO for the purpose of this analysis. First, the Exclusive Agency Listing employs a Listing Broker for access to the MLS and Web sites open to the public; a FSBO listing does not. Second, an Exclusive Agency Listing sets terms of compensation to be paid to a Selling Broker, while a FSBO listing often does not.

II. The Complaint

The Complaint alleges that ABOR, a Texas not-for-profit corporation operating for the benefit of its members, has violated section 5 of the FTC Act. Specifically, the proposed Complaint alleges that ABOR has unlawfully restrained competition among real estate brokers in central Texas by adopting a policy that constitutes a concerted refusal to deal except on specified terms.

A. ABOR Has Market Power

ABOR has more than 5,000 real estate professionals, and the large majority of residential real estate brokerage professionals in the Austin, Texas, metropolitan area are members of ABOR. These professionals compete with one another to provide residential real estate brokerage services to consumers.

The ABOR MLS is organized through the Austin/Central Texas Realty Information Service (''ACTRIS'') and ACTRIS is the only MLS that serves metropolitan Austin, Texas. Membership in ACTRIS is critical to a broker providing residential real estate brokerage services to sellers and buyers of real property in the ACTRIS service area. ABOR, through ACTRIS, controls key inputs needed for a Listing Broker to provide effective real estate brokerage services, including: (1) A means to publicize to all brokers the residential real estate listings in central Texas; and (2) a means to distribute listing information to Web sites for the general public. By virtue of industry-wide participation and control over a key input, ABOR and ACTRIS have market power in the provision of residential real estate brokerage services to sellers and buyers of real property in the Austin, Texas and/or the ACTRIS Service Area.

B. ABOR Conduct

In February 2005, ABOR adopted a rule that prevented information on Exclusive Agency Listings provided to ACTRIS from being transmitted to real estate Web sites available to the general public (the ''Web Site Policy''). The Web Site Policy specifically prevents any information on listings other than traditional Exclusive Right to Sell Listings from being included in the IDX-formatted information that is available from ACTRIS to be used and published by publicly-accessible Web sites.[5] The effect of this rule is to prevent such information from being available to be displayed on a broad range of Web sites, including the NAR-operated

[4] NAR Survey at 3–18.

[5] The ABOR rule states: ''Listing information downloaded and/or otherwise displayed pursuant to IDX shall be limited to properties listed on an exclusive right to sell basis.'' *ACTRIS Rules and Regulations* at 18 (February 2006).

''*Realtor.com*'' Web site; the ABOR-owned ''*Austinhomesearch.com*'' Web site; and ABOR member Web sites.

Exclusive Agency Listings are often used by members of ABOR acting as Listing Brokers to offer lower-cost real estate services to consumers. ABOR's Web Site Policy is joint action by a group of competitors to withhold distribution of listing information to publicly accessible Web sites from competitors who do not contract with their brokerage service customers in a way that the group wishes. This conduct represents a new variation of a type of conduct that the Commission condemned 20 years ago. In the 1980s and 1990s, several local MLS boards banned Exclusive Agency Listings from the MLS entirely. The Commission investigated and issued complaints against these exclusionary practices, obtaining several consent orders.[6]

C. Competitive Effects of the Web Site Policy

The Web Site Policy has the effect of discouraging members of ABOR and participants in ACTRIS from accepting Exclusive Agency Listings. Thus, the Web Site Policy strongly impedes one way of providing unbundled brokerage services, and may make it more difficult for home sellers to market their homes. The Web Site Policy has caused some home sellers to switch away from Exclusive Agency Listings to other forms of listing agreements. According to ACTRIS records, prior to the initiation of the Web Site Policy, about 1,500 of 8,500, or 18 percent, of the listings on ACTRIS were Exclusive Agency Listings. After the Web Site Policy was implemented, the number of Exclusive Agency Listings as shown on ACTRIS records dropped to about 250 out of 10,000, or 2.5 percent.

When home sellers switch to full service listing agreements from Exclusive Agency Listings that often offer lower-cost real estate services to consumers, the sellers may purchase services that they would not otherwise buy. This, in turn, may increase the commission costs to consumers of real estate brokerage services. By preventing Exclusive Agency Listings from being transmitted by ACTRIS to public-access real estate Web sites, the Web Site Policy has adverse effects on home sellers and home buyers. In particular, the Web Site Policy denies home sellers choices for marketing their homes and denies home buyers the chance to use the internet to easily see all of the houses listed by real estate brokers in the area, making their search less efficient.

D. There Is No Competitive Efficiency Associated With the Web Site Policy

There are no cognizable and plausible efficiency justifications for the Web Site Policy. An MLS in some circumstances might be concerned with the possibility that buyers and sellers of properties under an Exclusive Agency Listing could ''free-ride'' on the legitimate and valuable cooperative efforts that the MLS is intended to foster, by using the services of the MLS to carry out real estate transactions but bypassing the brokerage services that were one of the principal reasons why the MLS was created. However, this concern does not provide justification for the Web Site Policy as implemented by ABOR and ACTRIS. Exclusive Agency Listings are not a credible means for home buyers or sellers to bypass the use of the brokerage services that ACTRIS was created to promote, because a Listing Broker is always involved in an Exclusive Agency Listing, and the ABOR rules already include protections against such misuse.

The ABOR Web Site Policy does not involve situations where brokerage services are bypassed entirely. The policy only operates where home sellers purchase services from a Listing Broker using an Exclusive Agency contract, not when home sellers are pursuing a FSBO sale and purchase no brokerage services at all. It is possible, of course, that a buyer of an Exclusive Agency Listing may make the purchase without using a Selling Broker, but this is true for traditional Exclusive Right to Sell Listings as well. Under existing ACTRIS rules that apply to any form of the listing agreement, the Listing Broker must ensure that the home seller pays compensation to the cooperating Selling Broker (if there is one), and the Listing Broker may be liable himself for a lost commission if the home seller fails to pay a Selling Broker who was the procuring cause of a completed property sale. The possibility of sellers or buyers using the MLS but bypassing brokerage services is already addressed effectively by ABOR's existing rules that do not distinguish between forms of listing contracts, and does not justify the Web Site Policy.

III. The Proposed Consent Order

The proposed order is tailored to ensure that the MLS does not misuse its market power, but also takes care to ensure that the procompetitive incentives of joint ventures such as ABOR and ACTRIS remain intact. The proposed order enjoins ABOR from treating Exclusive Agency Listings, or any other lawful listing agreements with sellers of property, in a less advantageous manner than Exclusive Right to Sell Listings.

More specifically, ABOR is enjoined from adopting or enforcing any policy to deny, restrict, or interfere with the ability of ABOR members or ACTRIS participants to enter into Exclusive Agency Listings or other lawful listing agreements with the sellers of properties. The proposed consent order prohibits ABOR from preventing its members or ACTRIS participants from: offering or accepting Exclusive Agency Listings or other lawful listing agreements; cooperating with Listing Brokers or agents that offer or accept Exclusive Agency Listings or other lawful listing agreements; or publishing Exclusive Agency Listings or other lawful listing agreements on web sites otherwise approved to use ACTRIS information. The proposed order also prohibits ABOR from denying or restricting the Services of the MLS[7] to Exclusive Agency Listings or other lawful listings in any way that such Services of the MLS are not denied or restricted to Exclusive Right to Sell Listings; or treating Exclusive Agency Listings, or any other lawful listings, in a less advantageous manner than Exclusive Right to Sell Listings, including but not limited to, any policy, rule or practice pertaining to the transmission, downloading, or displaying of information pertaining to such listings.

The proposed order contains a general proviso that preserves to ABOR the ability to adopt or enforce any policy, rule, practice or agreement that it can show is reasonably ancillary to the legitimate and beneficial objectives of the MLS. This includes reasonable rules regarding membership requirements,

[6] *In the Matter of United Real Estate Brokers of Rockland, Ltd.*, Docket No. C–3461, 116 F.T.C. 972 (1993); *In the Matter of American Industrial Real Estate Association*, Docket No. C–3449, 116 F.T.C. 704 (1993); *In the Matter of Puget Sound Multiple Listing Association*, Docket No. C–3300 (F.T.C., August 2, 1990); *In the Matter of Bellingham-Whatcom County Multiple Listing Bureau*, Docket No. C–3299 (F.T.C., August 2, 1990); *In the Matter of Metro MLS, Inc.*, Docket No. C–3286, 115 F.T.C. 305 (1990); *In the Matter of Multiple Listing Service of the Greater Michigan City Area, Inc.*, Docket No. C–3163, 106 F.T.C. 95 (1985); *In the Matter of Orange County Board of Realtors, Inc.*, Docket No. C–3162, 106 F.T.C. 88 (1985).

[7] ''Services of the MLS'' means the benefits and services provided by the MLS to assist ABOR members or ACTRIS Participants in selling, leasing and valuing property and/or brokering real estate transactions, including but not limited to: (1) Having the property included among the listings in the MLS in a manner so that information concerning the listing is easily accessible by cooperating brokers; and (2) having the property publicized through means available to the MLS, including, but not limited to, information concerning the listing being made available on Austinhomesearch.com, Realtor.com and IDX Web Sites.

payment of dues, administrative matters, or other policies. The proviso is intended to preserve existing or future rules or regulations of ACTRIS that ABOR can demonstrate are reasonably related to the legitimate and pro-competitive purposes of the MLS.

In addition, the proposed order requires ABOR, within thirty days after the Order becomes final, to conform its rules to the substantive provisions of the Order. ABOR is also required to notify ABOR members and participants in ACTRIS of the Order through e-mail communications and its Web site. The proposed order requires notification of changes in the structure of ABOR, and requires ABOR to file regular written reports of ABOR's compliance with the terms of the Order.

The proposed Order applies to ABOR and entities that it owns or controls, including ACTRIS and *Austinhomesearch.com.* The Order by its terms does not prohibit ABOR members, or other persons or entities independent of ABOR that receive listing information from ABOR for use on their Web sites, from making independent decisions concerning their use or display of ACTRIS listing information that are consistent with their contractual obligations to ACTRIS.

The proposed order will expire in 10 years.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E6–11389 Filed 7–18–06; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator; American Health Information Community Biosurveillance Data Steering Group Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the second meeting of the American Health Information Community Biosurveillance Data Steering Group in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.).

DATES: July 26, 2006 from 4 p.m to 6 p.m.

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (a photo ID is needed for access to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic.html.*

SUPPLEMENTARY INFORMATION: The meeting will be available via internet access. Go to *http://www.hhs.gov/healthit/ahic.html* for additional information on the meeting.

Dated: July 12, 2006.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator.

[FR Doc. 06–6342 Filed 7–18–06; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security (SSS).

Time and Date: July 28, 2006, 9 a.m.–12:30 p.m.

Place: Crown Plaza Hotel, 1001 14th Street, NW., Washington, DC 20005.

Status: Open.

Purpose: The purpose of this meeting is to discuss issues and concerns relative to implementation of the National Provider Identifier (NDI), and to discuss preliminary recommendations of the Consolidated Health Informatics Initiative (CHI) Allergy Workgroup.

For Further Information Contact: Substantive program information as well as summaries of meetings and a roster of Committee members may be obtained from Denise Buenning, Senior Adviser, Office of E-Health Standards and Services, Centers for Medicare and Medicaid Services, MS: C5–24–04, 7500 Security Boulevard, Baltimore, MD 21244–1850, telephone: 410–786–6333 or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone: (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: July 10, 2006.

James Scanlon,

Deputy Assistant Secretary for Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 06–6341 Filed 7–18–06; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Joint Meeting of the Endocrinologic and Metabolic Drugs Advisory Committee and the Advisory Committee for Pharmaceutical Science; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committees: Endocrinologic and Metabolic Drugs Advisory Committee and the Advisory Committee for Pharmaceutical Science.

General Function of the Committees: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 4, 2006, from 8 a.m. to 5 p.m.

Location: Hilton, The Ballrooms, 620 Perry Pkwy, Gaithersburg, MD. The hotel phone number is 301–977–8900.

Contact Person: Victoria Ferretti-Aceto, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1076), Rockville, MD 20857, 301–827–7001, e-mail: *Victoria.FerrettiAceto@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), codes 3014512536 or 3014512539. Please call the Information Line for up-to-date information on this meeting. When available, background materials for this meeting will be posted one business day prior to the meeting on the FDA Web site at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*. (Click on the year 2006 and scroll down to Endocrinologic and Metabolic Drugs Advisory Committee or the Advisory Committee for Pharmaceutical Science.)

Agenda: The joint committee will discuss FDA's efforts to assess the product quality of currently marketed levothyroxine sodium drug products. Earlier this year, FDA requested that manufacturers of currently marketed levothyroxine sodium products provide to it certain product release and stability information. The joint committee will consider FDA's analyses and any clinical significance.

Procedure: Interested persons may present data, information, or views,

orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before September 13, 2006. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 13, 2006.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Victoria Ferretti-Aceto at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 13, 2006.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E6–11471 Filed 7–18–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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 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: Drug Pricing Program Reporting Requirements (OMB No. 0915–0176)—Extension

Section 602 of Public Law 102–585, the Veterans Health Care Act of 1992, enacted section 340B of the Public Health Service Act (PHS Act) ''Limitation on Prices of Drugs Purchased by Covered Entities.'' Section 340B provides that a manufacturer who sells covered outpatient drugs to eligible entities must sign a pharmaceutical pricing agreement with the Secretary of Health and Human Services in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed an amount determined under a statutory formula.

Covered entities which choose to participate in the section 340B drug discount program must comply with the requirements of 340B(a)(5) of the PHS Act. Section 340B(a)(5)(A) prohibits a covered entity from accepting a discount for a drug that would also generate a Medicaid rebate. Further, section 340B(a)(5)(B) prohibits a covered entity from reselling or otherwise transferring a discounted drug to a person who is not a patient of the entity.

In response to the statutory mandate of section 340B(a)(5)(C) to develop audit guidelines and because of the potential for disputes involving covered entities and participating drug manufacturers, the HRSA Office of Pharmacy Affairs (OPA) has developed a dispute resolution process for manufacturers and covered entities as well as manufacturer guidelines for audit of covered entities.

Audit Guidelines: A manufacturer will be permitted to conduct an audit only when there is reasonable cause to believe a violation of section 340B(a)(5)(A) or (B) has occurred. The manufacturer must notify the covered entity in writing when it believes the covered entity has violated the provisions of 340B. If the problem cannot be resolved, the manufacturer must then submit an audit work plan describing the audit and evidence in support of the reasonable cause standard to the HRSA OPA for review. The office will review the documentation to determine if reasonable cause exists. Once the audit is completed, the manufacturer will submit copies of the audit report to the HRSA OPA for review and resolution of the findings, as appropriate. The manufacturer will also submit an informational copy of the audit report to the HHS Office of Inspector General.

Dispute Resolution Guidelines: Because of the potential for disputes involving covered entities and participating drug manufacturers, the HRSA OPA has developed an informal dispute resolution process which can be used if an entity or manufacturer is believed to be in violation of section 340B. Prior to filing a request for resolution of a dispute with the HRSA OPA, the parties must attempt, in good faith, to resolve the dispute. All parties involved in the dispute must maintain written documentation as evidence of a good faith attempt to resolve the dispute. If the dispute is not resolved and dispute resolution is desired, a party must submit a written request for a review of the dispute to the HRSA OPA. A committee appointed to review the documentation will send a letter to the party alleged to have committed a violation. The party will be asked to provide a response to or a rebuttal of the allegations.

The estimates of annualized burden are as follows:

Reporting requirement	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Audits					
Audit Notification of Entity*	2	1	2	4	8
Audit Work Plan	1	1	1	8	8

Reporting requirement	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Audit Report	1	1	1	1	1
Entity Response	0	0	0	0	0
Dispute Resolution					
Mediation Request	2	4	8	10	80
Rebuttal	2	1	2	16	32
Total Reporting	8		14		129
Recordkeeping Requirement					
Dispute Records	10	1	10	.5	5
Total Recordkeeping	10				5

*Prepared by the manufacturer.

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: July 12, 2006.

Cheryl R. Dammons,

Director, Division of Policy Review and Coordination.

[FR Doc. E6–11440 Filed 7–18–06; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Survey of Estimated Glomerular Filtration Rate Reporting Practices of Clinical Laboratories

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) of the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 25, 2006, page 4151–4152 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. This 30-day submission is modified in order to reflect an increase in sample size. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: A Survey of Estimated GFR Reporting Practices of Clinical Laboratories.

Type of Information Collection Request: New.

Need and Use of Information Collection: This study will assess the level of U.S. clinical laboratory reporting of estimated GFR as a measure of kidney function through a baseline survey of a representative sample of clinical laboratories in the U.S. Results will later serve as comparison to measure an anticipated increase in use of estimated GFR, following implementation of the National Kidney Disease Education Program's communications and Lab Working Group (LWG) activities promoting use of estimated GFR for patients at risk for kidney disease. The LWG, whose members are experts in their field, strongly believes that routine reporting of estimated GFR will result in a significant increase in early detection of chronic kidney disease, therefore enabling treatment that can slow or prevent patients' progression to kidney failure.

Frequency of Response: Baseline survey only.

Affected Public: Clinical laboratory community.

Type of Respondents: Laboratory directors.

The annual reporting burden is as follows:

Estimated Number of Respondents: Anticipate 5,085 completed surveys;

Estimated Number of Responses per Respondent: Respondents will complete one paper-and-pencil or Web-based survey;

Average Burden Hours Per Response: .083 hours [5 minutes]; and

Estimated Total Annual Burden Hours Requested: 422.06 hours. The annualized total cost to respondents is estimated at $14,408.96.

Note: Completing this survey is similar to other data reporting carried out by lab directors. Since lab directors will be able to respond to the survey within their usual workday, this collection of information will not cost labs/employers additional time and money.

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Annual total burden hours requested
Clinical Laboratory Directors	5,085	1.0	.083	422.06
Total	5,085	1.0	.083	422.06

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Elisa Gladstone, MPH, Project Officer, Associate Director, National Kidney Disease Education Program, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 31, Center Dr., Room 9A06, Bethesda, MD 20892, or call non-toll free number 301–435–8116 or e-mail your request, including your address, to *gladstonee@niddk.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: July 7, 2006.

Elisa H. Gladstone,

Project Officer, Associate Director, National Kidney Disease Education Program, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. E6–11380 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Collection of Demographic and Smoking/Tobacco Use Information from NCI Cancer Information Service Clients

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute, the National Institutes of Health has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection below. This proposed information collection was previously published in the **Federal Register** on Friday, January 20, 2006, page 3313 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995 unless it displays a currently valid OMB control number.

Proposed Collection: Title: Collection of Demographic and Smoking/Tobacco Use Information from NCI Cancer Information Service Clients.

Type of Information Collection Request: Revision.

Need and Use of Information Collection: The NCI's Cancer Information Service (CIS) provides accurate and up-to-date cancer information to the public through a toll-free telephone number (1–800–4–CANCER) and LiveHelp, an online instant messaging service. In addition, CIS provides smoking cessation assistance through a telephone quitline (accessed through 1–800–44U–QUIT or 1–800–QUITNOW). Eligible smoking cessation clients have the opportunity to participate in a callback service, which provides up to four follow-up counseling calls. Characterizing CIS clients is essential to customer service, program planning, and promotion. Currently CIS conducts a brief survey of a sample of telephone and LiveHelp clients at the end of usual service (OMB No. 0925–0208); the survey includes three customer service and five demographic questions (age, sex, race, ethnicity, education). This request is to supplement the current data collection activity by adding: (1) Four demographic questions related to income, health insurance coverage, and regular source of health care; (2) 20 smoking intake questions for individuals seeking smoking cessation assistance; and (3) one smoking follow-up question for smoking cessation clients participating in the callback service. The demographic questions will allow CIS to better measure the program's reach to underserved populations and program impacts on these populations. The smoking intake questions are necessary as part of the needs assessment process for smoking cessation clients. Information about clients smoking history, previous quit attempts, and motivations to quit smoking will enable Information Specialists to provide effective individualized counseling. The smoking follow-up question will allow CIS to track clients smoking behavior and measure quit rates over the period of the callback service. Consistent with the current data collection, the proposed questions will be asked of clients who are cancer patients, family members and friends of patients, and the general public. The proposed sampling is consistent with the current data collection, with 25% of telephone and quitline clients sampled for the proposed demographic questions. If the call is the result of a special promotion, 50% of callers will be surveyed. Overall, it is estimated that 36% of telephone and quitline clients will be sampled for the demographic questions. The demographic questions will be asked of 50% of LiveHelp clients; the higher sampling rate is necessary due to the lower response rate among online clients. The proposed smoking intake questions will be asked of 100% of smoking cessation clients and the smoking follow-up question will be asked of 100% of smoking cessation clients participating in the callback service. Table 1 presents the estimated numbers of respondents, numbers of responses per respondent, average burden hours per response, and annual burden hours for each subgroup of respondents. The combined total to be surveyed each year is approximately 49,400 CIS clients for a total of 1,578 annual burden hours.

Frequency of Response: Single time for demographic and smoking intake questions; up to four times for the smoking follow-up question.

Affected Public: Individuals or households.

Type of Respondents: Cancer patients, family members and friends of cancer patients, and general public who contact CIS via telephone or online. The annual reporting burden is presented in Table 1.

TABLE 1.—RESPONDENT AND BURDEN HOUR ESTIMATES

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Telephone Clients: [1]				
Demographic questions	40,700	1	.0302	1,229
Quitline Smoking Cessation Clients[1, 2]				
Reactive Clients:				
Demographic & smoking intake questions	1,900	1	.0611	116
Smoking intake questions only	3,400	1	.0309	105
Proactive Callback Clients [3]				
Demographic & smoking intake questions plus follow-up question	500	1	.0611	31
		[5] 4	.0017	3
Smoking intake questions plus follow-up question	900	1	.0309	28
		[5] 4	.0017	6
Subtotal Quitline Clients	6,700			
LiveHelp Clients: [4]				
Demographic questions	2,000	1	.0302	60
Total	49,400			1,578

[1] Approximately 36% of telephone and quitline clients will be sampled for the demographic questions.
[2] 100% of smoking cessation clients will be asked the smoking intake questions.
[3] 100% of smoking cessation clients participating in the callback service will be asked the smoking follow-up question (at up to 4 callbacks).
[4] Approximately 50% of LiveHelp clients will be sampled for the demographic questions.
[5] (Follow-up question only).

The annualized cost to respondents is estimated at approximately: $28,546. There are no Capital Costs, Operating Costs, or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestion regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Linda Squiers, Ph.D., Project Officer for Research, Cancer Information Service Branch, National Cancer Institute, NIH, 6116 Executive Blvd., MSC 8322, Rockville, MD 20892–8322, or call non-toll-free number 301–594–9075 or e-mail your request, including your address, to: *squiersl@mail.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: July 10, 2006.

Rachelle Ragland-Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E6–11381 Filed 7–18–06; 8:45 am]

BILLING CODE 4101–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Outcome Evaluation of NCI's Activities To Promote Research Collaboration (APRC) Program

Summary: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on March 13, 2006, page 12703–12704 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: Outcome Evaluation of NCI's Activities to Promote Research Collaboration (APRC) Program.

Type of Information Collection Request: New.

Need and Use of Information Collection: The purpose of this study is to systematically assess the extent to which NCI's Activities to Promote Research Collaborations (APRC) program has been successful in accomplishing its intended goals of (1) capacity building and (2) generating innovative advances. The innovative advances outcome analysis will answer the question of whether APRC projects resulted in promising, novel concepts and advances in cancer research. The capacity building outcome analysis will determine whether participation in the APRC program has enabled the program participants to successfully integrate interdisciplinary approaches in their scientific investigations and enhanced their ability to pursue other

collaborative research activities. The study will involve interviewing former APRC-funded researchers. The evaluation results will provide DCB with the information to make quality improvements to the APRC program and enhance program performance in generating significant outcomes. It will also strengthen our understanding of the value of collaborative and interdisciplinary research and inform NCI's approach to supporting and encouraging scientific collaboration among researchers from multiple disciplines in the future.

Frequency of Response: One time.

Affected Public: Individuals; scientific and research communities.

Type of Respondents: Researchers.

The annual reporting burden is as follows:

Estimated Number of Respondents: 250;

Estimated Number of Responses per Respondent: 1;

Average Burden Hours per Response: .5; and

Estimated Total Annual Burden Hours Requested: 125.

The annualized cost to respondents is estimated at: $4034. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Type of respondents	Estimated annual No. of respondents	Estimated No. of responses per respondents	Average burden hours per response	Estimated total annual burden hours requested
Researcher	250	1	0.5	125

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Kelly Kim, Program Administrator, DNA and Chromosome Aberrations Branch, DCB, NCI, NIH, 6130 Executive Blvd, Room 5025, Rockville, MD 20892, or call non-toll-free number 301–496–5473 or e-mail your request, including your address to: *kimke@mail.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: July 12, 2006.

Rachelle Ragland Greene,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E6–11382 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, SBIR Topic 196 Antibody Array for Cancer Detection—Phase II.

Date: August 17, 2006.

Time: 12:01 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIH Events Management, Executive Plaza North, 6130 Executive Boulevard, Conference Room C, Rockville, MD 20862, (Telephone Conference Call).

Contact Person: Michael B. Small, PhD, Scientific Review Administrator, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Room 8127, Bethesda, MD 20892–8328, 301–402–0996, *smallm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 12, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6291 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Kangaroo Applications.

Date: July 19, 2006.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, 101–B, Research Triangle Park, NC 27709.

Contact Person: Linda K. Bass, PhD., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, 919–541–1307.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: July 10, 2006.

David Clary,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6288 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, TB/HIV Immune Cell Expression.

Date: August 3, 2006.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3246, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Sujata Vijh, PhD., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–0985, *vijhs@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Immune Dysregulation and Autoimmunity.

Date: August 3, 2006.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Thames E. Pickett, PhD., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–496–2550, *pickette@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 10, 2006.

David Clary,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6289 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Hyperaccelerated Award/Mechanisms in Immunomodulation Trials (August 2006).

Date: August 1, 2006

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3256, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Mercy R. Prabhudas, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–2615, *mp457n@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Development of Electronic Methods to Capture Cases of Autoimmune Disease.

Date: August 2, 2006.

Time: 4 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3256, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Mercy R. Prabhudas, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–2615, *mp457n@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing imitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 10, 2006.

David Clary,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6290 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, 2006 NIH Director's Pioneer Awards Finalist Interviews.

Date: August 7–9, 2006.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Lawton Chiles International House, Building 16, Bethesda, MD 20892.

Contact Person: Judith H. Greenberg, PhD, Director, Division of Genetics and Developmental Biology, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN–12B, Bethesda, MD 20892, 301–594–2755, *greenbej@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: July 12, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6292 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Toward Imaging the Pancreatic Beta Cell in People.

Date: August 8, 2006.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Ned Feder, MD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 912, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8890, *federn@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 12, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6293 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Absorption, Distribution, Metabolism, and Excretion (ADME) Chemical Disposition in Mammals.

Date: August 17–18, 2006.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752, *mcgee1@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: July 12, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6294 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Small Research Grants Review (RO3s).

Date: July 31, 2006.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAMS Institute, Bethesda, MD, Democracy One, 6701 Democracy Boulevard, 800, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eric H. Brown, PhD., Scientific Review Administrator, National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd, Room 824, Bethesda, MD 20892–4872, (301) 597–4955, *Browneri@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846; Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: July 12, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6295 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Measuring Exposures of Children to Tobacco Smoke.

Date: August 1, 2006.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 3133, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD., Scientific review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, 919/541–1307.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: July 12, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6296 Filed 7–18–05; 8:45am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, 06–90, Review of R13.

Date: August 1, 2006.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Kelly, Scientific Review Specialist, National Institute of Dental & Crainofacial Res., 45 Center Drive, Natcher Bldg., RM 4AN38J, Bethesda, MD 20892–6402, (301) 594–4809, *mary_kelly@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: July 11, 2006.

David Clary,

Acting Director, Office of Federal Committee Policy.

[FR Doc. 06–6298 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Shared Instrument Grant Program: Surface Plasmon Resonance Instruments.

Date: July 18, 2006.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301–435–1222, *nigidas@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BDA–J (10)B: SBIRs and Exploratory/Development Applications.

Date: July 20, 2006.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Francois Boller, MD, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5040Q, MSC 7843, Bethesda, MD 20892, 301–435–1019, *bollerf@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Synapse Formation in the Olfactory System.

Date: July 20, 2006.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255, *kenshalod@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Alternative Treatments for Insomnia.

Date: July 24, 2006.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Chief, RPHB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892, (301) 435–1258, *micklinm@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chemical Regulation of Cell Fate.

Date: July 25, 2006.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lawrence Baizer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892, (301) 435–1257, *baizerl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Diet, Exercise, and Obesity.

Date: July 26, 2006.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956, *gboyd@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Kidney Dialysis, Monitoring, and Therapeutics Review.

Date: August 7, 2006.

Time: 2 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Krystyna E. Rys-Sikora, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016J, MSC 7814, Bethesda, MD 20892, 301–451–1325, *ryssokok@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of Instrumentation Grant Applications.

Date: August 8–10, 2006.

Time: 9 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Nuria E. Assa-Munt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3120, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 11, 2006.

David Clary

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06–6297 Filed 7–18–06; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the SAMHSA Center for Substance Abuse Prevention (CSAP) National Advisory Council on July 25–26, 2006.

A portion of the meeting will be open and will include a roll call, general announcements, and a discussion of the Center's policy issues and current administrative, legislative and program developments. Attendance by the public to the open session will be limited to space available. Public comments are welcome. Please communicate with the individual listed as contact below to make arrangements to comment or to request special accommodations for persons with disabilities.

The meeting will also include the review, discussion, and evaluation of grant applications. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552(c)(6) and 5 U.S.C. App.2, section 10(d).

Substantive program information, a summary of the open session of the meeting, and a roster of Council members may be obtained after the meeting by contacting Ms. Tia Haynes (see contact information below) or by accessing the SAMHSA Council Web site, *http://www.samhsa.gov/council.* The transcript for the open session will also be available on the SAMHSA Council Web site within three weeks after the meeting.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time: Tuesday, July 25, 2006, 9 a.m. to 4 p.m.; Wednesday, July 26, 2006, 9 a.m. to 3 p.m.

Place: 1 Choke Cherry Road, Sugarloaf Conference Room, Rockville, Maryland 20857.

Type: Open: July 25, 2006, 9 a.m.–12 p.m.; Closed: July 25, 2006, 1 p.m.–4 p.m. Open: July 26, 2006, 9 a.m.–3 p.m.

For Further Information Contact: Tia Haynes, Executive Secretary, CSAP National Advisory Council, 1 Choke Cherry Road, 4–1066, Rockville, Maryland 20857. Telephone: (240) 276–2436. Fax: (240) 276–2430. E-mail: *tia.haynes@samhsa.hhs.gov.*

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: July 13, 2006.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. E6–11523 Filed 7–18–06; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. NCS–2006–0006]

Preparedness Directorate; National Security Telecommunications Advisory Committee

AGENCY: Preparedness Directorate, DHS.

ACTION: Notice of partially closed Advisory Committee meeting.

SUMMARY: The President's National Security Telecommunications Advisory Committee (NSTAC) will be meeting by teleconference: the meeting will be partially closed.

DATES: Thursday, July 27, 2006, from 2 p.m. until 3 p.m.

ADDRESSES: The meeting will take place by teleconference. For access to the conference bridge and meeting materials, contact Mr. William Fuller at (703) 235–5521, or by e-mail at *William.C.Fuller@dhs.gov* by 5 p.m. on Monday, July 24, 2006. If you desire to submit comments, they must be submitted by Wednesday, July 26, 2006. Comments must be identified by NCS–2006–0006 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: NSTAC1@dhs.gov.* Include docket number in the subject line of the message.
- *Mail:* Office of the Manager, National Communications System (N5), Department of Homeland Security, Washington, DC 20529.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and NCS–2006–0006, the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the NSTAC, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Kiesha Gebreyes, Chief, Industry Operations Branch at (703) 235–5525, e-mail: *Kiesha.Gebreyes@dhs.gov* or write the Deputy Manager, National Communications System, Department of Homeland Security, IP/NCS/N5.

SUPPLEMENTARY INFORMATION: The NSTAC advises the President on issues and problems related to implementing national security and emergency preparedness telecommunications policy. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App.1 *et seq.*).

At the upcoming meeting, between 2 p.m. and 2:45 p.m., the members will receive comments from government stakeholders, receive an update from government officials on hurricane preparedness, review the NSTAC XXX work plan, discuss a request from the National Infrastructure Advisory Council (NIAC) to the NSTAC, and receive updates from the NSTAC International Scoping Group (ISG) and the Emergency Communications and Interoperability Task Force (ECITF). This portion of the meeting will be open to the public.

Between 2:45 p.m. and 3 p.m. the committee will discuss global infrastructure resiliency (GIR). This portion of the meeting will be closed to the public.

Persons with disabilities who require special assistance should indicate this when arranging for access to the teleconference and are encouraged to identify anticipated special needs as early as possible.

Pursuant to 41 CFR 102–3.150(b), this notice was published late as a result of exceptional circumstances. An administrative processing error prevented earlier publication, and the Department determined that it would be impracticable to reschedule the substantive activity scheduled for this meeting. In order to allow the greatest possible public participation, the Department has extended the usual deadlines to register public participants for the teleconference and to receive public comments. As noted above, these dates are, respectively, July 24, 2006, and July 26, 2006.

Basis for Closure: The GIR discussion will likely involve sensitive infrastructure information concerning system threats and explicit physical/cyber vulnerabilities related to current communications capabilities. Public disclosure of such information would heighten awareness of potential vulnerabilities and increase the likelihood of exploitation by terrorists or other motivated adversaries. Pursuant to section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 1 *et seq.*), the Department has determined that this discussion will concern matters which, if disclosed, would be likely to frustrate significantly the implementation of a proposed agency action. Accordingly, the relevant portion of this meeting will be closed to the public pursuant to the authority set forth in 5 U.S.C. 552b(c)(9)(B).

Dated: July 14, 2006.

George W. Foresman,

Under Secretary for Preparedness.

[FR Doc. E6–11459 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2006–25379]

Navigation Safety Advisory Council; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Navigation Safety Advisory Council (NAVSAC). NAVSAC provides advice and makes recommendations to the Secretary on a wide range of issues related to the prevention of collisions, rammings, and groundings. This includes, but is not limited to: Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

DATES: Application forms should reach us on or before September 30, 2006.

ADDRESSES: You may request an application form by writing to NAVSAC Application; Commandant (G–PWM–1), Room 1406; U.S. Coast Guard; 2100 Second Street, SW., Washington, DC 20593–0001; by calling 202–372–1532; or by faxing 202–372–1929. Send your original completed and signed application in written form to the above street address. Also you may obtain a copy of the application via the Internet at *http://dms.dot.gov* or *http://www.uscg.mil/hq/g-m/advisory/*

index.htm. This notice is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. John Bobb; Executive Secretary of NAVSAC, telephone 202–372–1532, fax 202–372–1929, or mail to: *jbobb@comdt.uscg.mil.*

SUPPLEMENTARY INFORMATION: The Navigation Safety Advisory Council (NAVSAC) is a Federal advisory committee under 5 U.S.C. App. 2. It advises the Secretary on a wide range of issues related to the prevention of collisions, rammings, and groundings. This includes, but is not limited to: Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. This advice also assists the Coast Guard in formulating the position of the United States in advance of meetings of the International Maritime Organization.

NAVSAC meets at least once a year at Coast Guard Headquarters, Washington, DC, or another location selected by the Coast Guard. It may also meet for extraordinary purposes. Its working groups may meet to consider specific problems as required.

We will consider applications for seven positions whose terms expire on November 4, 2006. Applications will be considered from persons representing, insofar as practical, from the following groups: Five persons from recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety; and, two persons from professional mariners, recreational boaters, and the recreational boating industry.

Organizations having an active interest in the Rules of the Road and vessel and port safety are considered to include organizations representing vessel owners and operators of vessel operating on international waters and inland waters of the United States, the Federal and state Maritime academies, maritime education and training institutions teaching Rules of the Road, navigation, and electronic navigation, and organizations established to facilitate vessel movement and navigational safety. Members from these organizations are appointed to express the viewpoint of the organizations listed above and are not Special Government Employees as defined in section 202(a) of title 18, United States Code and will be appointed as Representative Members.

Professional mariners are considered to include actively working or retired mariners experienced in applying the Inland and/or International Rules as masters or licensed deck officers of vessels operating on international waters or the inland waters of the United States, and federal-or state-licensed pilots. Recreational boaters and the recreational boating industry are specifically identified groups that members may represent. Members from these groups are appointed to express the viewpoint of the groups listed above in which they serve or have served and are not Special Government Employees as defined in section 202(a) of title 18, United States Code and will be appointed as Representative Members.

All individuals meeting either of the above requirements are invited to apply including women and ethnic minorities.

Each NAVSAC member serves for a term of 3 years and may be reappointed for one additional term. All members serve at their own expense but receive reimbursement for travel and per diem expenses from the Federal Government.

In support of the policy of the Department of Homeland Security on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Dated: July 13, 2006.

W.A. Muilenburg,

Captain, U.S. Coast Guard, Acting Director of Waterways Management.

[FR Doc. E6–11376 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Notification of Conversion of Checks Payable to TSA to Electronic Funds Transfers (EFTs)

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice.

SUMMARY: This Notice informs the public that checks submitted to the Transportation Security Administration (TSA) will be converted by the Federal Reserve Banking system into electronic funds transfers (EFTs). Paper checks will no longer be returned to the payer. This procedure will be implemented on or about August 17, 2006.

FOR FURTHER INFORMATION CONTACT: Kurt Snyder, Office of Financial Management, TSA–14, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220; telephone (571) 227–1437; facsimile (571) 227–2599; e-mail *Finance@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Document

You can get an electronic copy using the Internet by accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section.

Background

The Federal Reserve Bank, United States Department of the Treasury, has mandated that checks received by Federal Government agencies be converted into electronic funds transfers (EFTs). This procedure will be implemented by the Federal Reserve Bank on or about August 17, 2006.

How will your check be processed by the Federal Reserve Banking system after it is deposited by TSA?

Upon receipt of a paper check for a payment, the Federal Reserve Banking system will convert your check into an electronic funds transfer (EFT). The Federal Reserve Bank will make a copy of your check and use the account information on it to debit your account electronically for the amount of the check. The debit from your account will usually occur within 24 hours, and will be shown on your regular account statement. You will not receive the original check back. The Federal Reserve Bank will destroy the original paper check, but will maintain an electronic copy of it. If the EFT cannot be processed for technical reasons, the copy will be processed in place of the original check. If the Federal Reserve Bank cannot complete the EFT because of insufficient funds, it may attempt the transfer up to two times.

Issued in Arlington, Virginia, on July 14, 2006.

David R. Nicholson,

Assistant Administrator for Finance & Administration/Chief Financial Officer.

[FR Doc. 06–6356 Filed 7–14–06; 4:02 pm]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–51]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Implementation of the Violence Against Women (VAWA) and Justice Department Reauthorization Act of 2005

AGENCY: Office of Public and Indian Housing.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This is a request for a new information collection that will be used by PHAs to request that an individual to certify via a HUD-approved certification form that the individual is a victim of domestic violence, dating violence, or stalking and that the incident or incidents in questions are bona fide incidents of the actual or threatened abuse. The certification must include the name of the perpetrator and the individual must provide the certification within 14 business days after the PHA requests the certification.

If the individual does not provide the certification within 14 business days after the PHA has requested the certification in writing, noting prohibits any PHA from evicting any tenant or terminating a lease. A PHA may, at its discretion, extend the 14-day deadline. A HUD-approved certification is required by VAWA and signed by President Bush on January 5, 2006 and effective upon enactment.

DATES: *Comments Due Date:* August 2, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within fourteen (14) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: HUD Desk Officer, Office of Management and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Paperwork Reduction Act Compliance Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_Deitzer@hud.gov,* telephone (202) 708–2374. This is not a toll-free number. Copies of documentation submitted to OMB may be obtained from Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a proposed information collection requirement as 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: Implementation of the Violence Against Women and Justice Department Reauthorization Act 2005.

Description of Information Collection: Information provided by a resident residing in the public housing and Section 8 voucher programs will submit a HUD-approved certification form that attests that the individual is a victim of abuse and the incidences of abuse are bona fide. Without the certification, a PHA or owner may terminate assistance. The information provided to the PHA and owner is confidential.

OMB Control Number: 2577—Pending.

Agency Form Numbers: None.

Members of Affected Public: Public Housing Authorities (PHAs) and Owners participant in the Section 8 voucher program.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 60 minutes per applicant. The estimated number of respondents is 200. The frequency of response is once. The total public burden is estimated to be 200 hours.

Status: Proposed new collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 13, 2006.

Lillian Deitzer,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. E6–11443 Filed 7–18–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–50]

Notice of Submission of Proposed Information Collection to OMB; Healthy Home and Lead Hazard Control Grant Programs Data Collection—Progress Reporting

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 data collection is designed to provide HUD timely information on progress of Healthy Homes Demonstration Program, Healthy Homes Technical Studies Program, Lead Base Paint Hazard Control Program, Lead Hazard Reduction Demonstration Program, Lead Outreach Program, Lead Technical Studies Program, and Operation Lead Elimination Action Program grant activities. HUD will provide Congress with status reports that are required by statute.

DATES: *Comments Due Date:* August 18, 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 (2539–0008) 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, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *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 or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm.*

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: Healthy Home and Lead Hazard Control Grant Programs Data Collection—Progress Reporting.

OMB Approval Number: 2539–0008.

Form Numbers: HUD–96006.

Description of the Need for the Information and Its Proposed Use: This data collection is designed to provide HUD timely information on progress of Healthy Homes Demonstration Program, Healthy Homes Technical Studies Program, Lead Base Paint Hazard Control Program, Lead Hazard Reduction Demonstration Program, Lead Outreach Program, Lead Technical Studies Program, and Operation Lead Elimination Action Program grant activities. HUD will provides Congress with status reports that are required by statute.

Frequency of Submission: Quarterly.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	255	4		8		8,160

Total Estimated Burden Hours: 8,160.

Status: Revision of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 13, 2006.

Lillian L. Deitzer,

Department Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–11444 Filed 7–18–06; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–49]

''Logic Model'' Grant Performance Report Standard

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.

Applicants of HUD Federal Financial Assistance are required to indicate intended results and impacts. Grant recipients report against their baseline performance standards. This process standardizes grants progress reporting requirements and promotes greater emphasis on performance and results in grant programs.

DATES: *Comments Due Date:* August 18, 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 (2535–0114) 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, QDAM, 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 or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

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: ''Logic Model'' Grant Performance Report Standard.

OMB Approval Number: 2535–0114.

Form Numbers: HUD–96010, HUD–96010–NN, HUD–96010–CD–TA, HUD–96010–ROSS, HUD–96010–PH–FSS, HUD–96010–HOPWA, HUD–96010–HCV–FSS, HUD–96010–BEDI, HUD–96010–HC, HUD–96010–Coc, HUD–96010–HSIAC, HUD–96010–HH LTS, HUD–96010–RHED, HUD–96010–SHOP, HUD–96010–Housing Counseling, HUD–96010–Sec 202, JUD–96010–Sec 811, HUD–96010–ICDBG, HUD–96010–Service Coordinator, HUD–96010–Fair Housing, PEI, HUD–96010–Fair Housing EOI, HUD–96010–Youthbuild, HUD–96010–TCUP, HUD–96010–PHNN, HUD–96010–LOGP, HUD–96010–HH Demo, HUD–96010–HBCU, HUD–96010–ANNHIAC, HUD–96010–HOPE VI

Description of the Need for the Information and Its Proposed Use: Applicants of HUD Federal Financial Assistance are required to indicate intended results and impacts. Grant recipients report against their baseline performance standards. This process standardizes grants progress reporting requirements and promotes greater

emphasis on performance and results in grant programs.

Frequency of Submission: Quarterly, Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	11,000	2.2		4.51		109,175

Total Estimated Burden Hours: 109,175.

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: July 13, 2006.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E6–11460 Filed 7–18–06; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Recovery Plan for the Kauai Cave Arthropods: The Kauai Cave Wolf Spider (Adelocosa anops) and the Kauai Cave Amphipod (Spelaeorchestia koloana)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the Recovery Plan for the Kauai Cave Arthropods: the Kauai Cave Wolf Spider (*Adelocosa anops*) and the Kauai Cave Amphipod (*Spelaeorchestia koloana*). These cave arthropods are listed as endangered and are endemic to the Hawaiian Island of Kauai.

ADDRESSES: Copies of the recovery plan are available by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850 (telephone: 808/792–9400) and Hawaii State Library 478 S. King Street, Honolulu, Hawaii 96813. An electronic copy of the Recovery Plan is available on the World Wide Web at: *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Lorena Wada, Invertebrate Program Supervisor, at the above Honolulu address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. The Endangered Species Act (16 U.S.C. 1531 *et seq.*) (Act) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, establishing criteria for downlisting or delisting listed species, and estimating time and cost for implementing the measures needed for recovery.

Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. In fulfillment of this requirement, the Draft Recovery Plan for the Kauai Cave Arthropods: The Kauai Cave Wolf Spider (*Adelocosa anops*) and the Kauai Cave Amphipod (*Spelaeorchestia koloana*) was available for public comment from February 9, 2005, through April 11, 2005 (70 FR 6902). Information presented during the public comment period has been considered in the preparation of this final recovery plan, and is summarized in the appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

Two species of cave arthropods, the Kauai cave wolf spider and the Kauai cave amphipod, collectively the Kauai cave arthropods, are only known from a small number of caves in the Koloa District on the island of Kauai. Of the caves surveyed to date, the cave wolf spider has only been documented to occur in five caves, and currently is only observed regularly in one of these caves. The cave amphipod has been documented to occur in eight caves, and is currently observed regularly in three of them.

The primary threats to these species include: the potential for significant population impact from a signal event due to small populations and restricted range; urban and agricultural development as well as quarrying operations; non-native species preying upon or competing with them for limited food resources; human visitation and uses of caves; urban and commercial pesticide use; bio-control agents; and extended drought which alters the high-humidity environment to which these arthropods are adapted, which also facilitates invasion by non-native species.

The objective of this recovery plan is to provide a framework for the recovery of the Kauai cave arthropods so that protection by the Act is no longer necessary. Actions necessary to accomplish this objective include: (1) Protecting known populations of the Kauai cave wolf spider and cave amphipod and their subterranean systems from human-caused destruction or degradation; (2) improving or enhancing the habitat of occupied caves or caves previously occupied through protection of above-cave habitats and implementation of landscaping actions that are likely to increase subterranean food resources; (3) conducting research to address essential conservation needs for the species; (4) providing information for the public on the Kauai cave arthropods; and (5) using initial recovery efforts and research to periodically validate recovery objectives.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: April 28, 2006.

David J. Wesley,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. E6–11466 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1320–EL, WYW172923]

Notice of Invitation—Coal Exploration License, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Invitation for Coal Exploration License WYW172923.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.C. 201 (b), and to the regulations adopted as 43 CFR part 3410, interested parties are hereby invited to participate with Black Butte Coal Company on a pro rata cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the following-described lands in Sweetwater County, WY:

T. 17 N., R. 101 W., 6th P.M., Wyoming
Sec. 4: Lots 1–4, S½N½, S½; Sec. 10: All;
T. 18 N., R. 101 W., 6th P.M., Wyoming
Sec. 34: All.

Containing 1,919.68 acres, more or less.

ADDRESSES: Copies of the exploration plan are available for review during normal business hours (9 a.m. to 4 p.m.), Monday through Friday in the following offices (serialized under number WYW172923): Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003; and, Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, WY 82901. The written notice should be sent to the following addresses: Black Butte Coal Company, Attn: Jon Gross, P.O. Box 98, Point of Rocks, WY 82901, and the Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, Attn: Mavis Love, P.O. Box 1828, Cheyenne, WY 82003.

SUPPLEMENTARY INFORMATION: All of the coal in the above-described land consists of unleased Federal coal within the Rock Springs Known Recoverable Coal Resource Area. The purpose of the exploration program is to obtain structural and quality information of the coal. The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. This notice of invitation will be published in the Rock Springs Daily Rocket-Miner once each week for two consecutive weeks beginning the week of July 3, 2006, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Black Butte Coal Company, as provided in the **ADDRESSES** section above, no later than thirty days after publication of this invitation in the **Federal Register**.

The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2–1(c)(1).

Dated: June 15, 2006.

Phillip C. Perlewitz,

Acting Deputy State Director, Minerals and Lands.

[FR Doc. 06–6328 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–040–5101–ER–F345; N–78803]

Notice to Reopen the Public Scoping Process for the Proposed Clark, Lincoln, and White Pine Counties Groundwater Development Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to Reopen Scoping.

SUMMARY: Notice is hereby given that the Bureau of Land Management, Nevada State Office, will reopen the public scoping period for the proposed Clark, Lincoln and White Pine Counties Groundwater Development to provide opportunity for comment on substantive project changes. The additional public scoping input will be used to prepare the Draft EIS. A notice of intent to prepare and EIS was published in the **Federal Register** on April 8, 2005, 70 FR 18043–18044.

DATES: The scoping public comment period will commence with the publication of this notice, and will end 60 days after its publication. Comments on the scope of the EIS, including concerns, issues, or proposed alternatives that should be considered in the EIS should be submitted in writing to the address below and will be accepted throughout the scoping period. The reopening scoping notice will be distributed to those who commented during the original scoping period April–August 2005. This distribution will occur by mail on or about the date of this notice. Information concerning the reopening of scoping will also appear on the Nevada BLM Web site at *www.nv.blm.gov.* No additional public scoping meetings are planned.

ADDRESSES: Please mail written comments to the BLM Nevada State Office, 1340 Financial Boulevard, P.O. Box 12000, Reno, Nevada 89520–0006. FAX: 775–861–6689. Comments submitted during this EIS process, including names and street addresses of respondents will be available for public review at the Nevada State Office during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name and address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information or to have your name added to the EIS mailing list, contact Penny Woods at the Nevada State Office (see address above), telephone 775–861–6466.

SUPPLEMENTARY INFORMATION: The proposed Clark, Lincoln, and White Pine Counties Groundwater Development Project (GWD) is proposed by the Southern Nevada Water Authority (SNWA) and would be located in central and eastern Nevada in Clark, Lincoln, and White Pine Counties. The proposed project would develop and convey existing and proposed groundwater under rights authorized by the Nevada Division of Water Resources (Office of the State Engineer) to the Southern Nevada Water Authority and the Lincoln County Water District (LCWD).

The following are the substantive project changes that have resulted in the BLM decision to reopen public scoping:

1. In January 2006, SNWA and the LCWD completed an agreement under which the SNWA would convey existing LCWD groundwater rights from Spring and Lake Valleys in the SNWA pipeline system. It is anticipated that SNWA would convey approximately 36,000 acre feet per year for the LCWD. The total volume that could be conveyed by the entire system would be about 200,000 acre feet per year.

2. The SNWA has withdrawn its proposal to develop groundwater from the Tikaboo Valley North Basin, as well as to construct the associated pipeline that would interconnect with the proposed mainline pipeline system.

All other aspects described in the notice of intent published in the **Federal Register** on April 8, 2005, 70 FR 18043–18044, remain the same.

A map of the proposed project is available for viewing at the Bureau of Land Management State Office at 1340 Financial Boulevard, Reno, Nevada, and

the Ely Field Office, 702 North Industrial Way, Ely NV.

Amy Lueders,

Associate State Director.

[FR Doc. E6–11462 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–HC–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 August 23–24, 2006, at the Best Western Inns and Suites, 700 Scott Avenue, Farmington, New Mexico. An optional field trip is planned for August 22, 2006. The public comment period is scheduled August 22, 2006, from 6–7 p.m. at the Best Western Inns and Suites. 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: July 12, 2006.

Linda S.C. Rundell,

State Director.

FR Doc. E6–11457 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–027–1020–PI–020H; HAG–06–0159]

Location Change for Steens Mountain Advisory Council Meeting

AGENCY: Bureau of Land Management, Burns District.

ACTION: Change of meeting location.

SUMMARY: The August 24 and 25, 2006, Steens Mountain Advisory Council meeting, previously scheduled to be held at the Bureau of Land Management, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, has been moved to the Frenchglen School, 39235 Highway 205, Frenchglen, Oregon 97736. The original **Federal Register** notice announcing the meeting was published on February 6, 2006, page number 6090. The meeting session will begin the first day at 8 a.m., local time, and will end at 4:30 p.m., local time. The second day will begin at 8 a.m., local time, and will end at approximately 2 p.m., local time. The entire meeting is open to the public. Public comment is scheduled for 11 a.m. to 11:30 a.m., local time, both days of the meeting session.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the Steens Mountain Advisory Council may be obtained from Rhonda Karges, Management Support Specialist, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573–4433 or *Rhonda_Karges@or.blm.gov.*

Dated: July 12, 2006.

Karla Bird,

Andrews Resource Area Field Manager.

[FR Doc. E6–11379 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU 016431]

Public Land Order No. 7665; Partial Revocation of Public Land Order No. 1483; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Public Land Order insofar as it affects 160 acres of public lands within national forests, which were withdrawn and reserved for use of the Forest Service as administrative sites, recreation areas, and a roadside zone.

DATES: *Effective Date:* July 19, 2006.

FOR FURTHER INFORMATION CONTACT: Marsha Fryer, Forest Service, Intermountain Region, 324–25th Street, Ogden, Utah 84401–2310, 801–625–5802.

SUPPLEMENTARY INFORMATION: The Forest Service has determined that a withdrawal is no longer needed on the lands described in this order and has requested the partial revocation. The lands will not be opened to surface entry or mining until completion of an analysis to determine if any of the lands need special designation.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

Public Land Order No. 1483 (22 FR 7307–8, September 13, 1957), which withdrew public lands within national forests and reserved them for use of the Forest Service as administrative sites, recreation areas, and a roadside zone, is hereby revoked only insofar as it affects the following described lands:

Wasatch National Forest

Henrys Fork Bridge Recreation Area

Salt Lake Meridian

T. 2 N., R. 14 E.,
Sec. 1, SW¼NW¼ and NW¼SW¼;
Sec. 2, SE¼NE¼ and NE¼SE¼.

The area described contains 160 acres in Summit County.

Dated: June 27, 2006.

R. Thomas Weimer,

Assistant Secretary of the Interior.

[FR Doc. E6–11447 Filed 7–18–06; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1430–ES; NVN 75639]

Notice of Realty Action; Recreation and Public Purposes Act Classification; Washoe County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease or conveyance to Washoe County, Nevada under the authority of the Recreation and Public Purposes Act (R&PP), as amended, approximately 110 acres of land in Washoe County,

Nevada. Washoe County proposes to use the land for a public archery range.

DATES: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments.

ADDRESSES: Mail written comments to the Field Manager, Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Charles J. Kihm, Realty Specialist, BLM Carson City Field Office, (702) 885–6000.

SUPPLEMENTARY INFORMATION: The following described public land in Washoe County, Nevada has been examined and found suitable for classification for lease or conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*) and is hereby classified accordingly:

Mt. Diablo Meridian, Nevada

T. 21 N., R. 19 E.,
Sec. 2, SW¼NE¼SW¼, S½NW¼SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 11, N½NW¼NW¼.

Containing 110.00 acres, more or less.

The land is not needed for Federal purposes. Lease or conveyance is consistent with the Carson City Consolidated Resource Management Plan (2001) and would be in the public interest. The Carson City Field Office has received from Washoe County a R&PP Act application, together with the requisite filing fee and supporting documents required by 43 CFR 2741.5. The application states that the County plans to construct and operate a public archery range on the land. No other use will be made of the land.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All mineral deposits in the land leased or patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

4. A reservation to the United States for range project fence 0113 constructed under the provisions of the Act of June 28, 1934, as amended (43 U.S.C. 315, 315a–r).

These lands were previously withdrawn from surface entry and mining, but not from sales, exchanges or recreation and public purposes, by Public Land Order No. 7496. A previous classification for Recreation and Public Purposes under case file number N39895, as it affects the described land, is no longer appropriate and is hereby terminated.

On July 19, 2006, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material laws.

Detailed information concerning the proposed lease/conveyance, including conditions, planning and environmental documents, is available for inspection at the BLM Carson City Field Office at the address stated above in this notice.

Classification Comments: You may submit comments regarding the proposed classification of the land to the Carson City Field Office, for a period of 45 day following publication of this notice in the **Federal Register**. Comments on the classification are restricted to four subjects:

(1) Whether the land is physically suited for the proposal;

(2) Whether the use will maximize the future uses of the land;

(3) Whether the use is consistent with local planning and zoning; and

(4) If the use is consistent with State and Federal programs.

Application Comments: You may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for the requested R&PP use.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective 60 days from the date of publication of this notice in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5)

Dated: May 11, 2006.

Donald T. Hicks,

Manager, Carson City Field Office.

[FR Doc. E6–11461 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–125–06–1430–EU; GP6–0124]

Direct Sale of Public Land, OR 60470

AGENCY: Bureau of Land Management (BLM), Coos Bay District.

ACTION: Notice of realty action.

SUMMARY: A 33.85 parcel in Coos County, Oregon, is being considered for direct sale to the Oregon International Port of Coos Bay (the Port). The parcel proposed for sale is identified as suitable for disposal in the Coos Bay District Resource Management Plan & Environmental Impact Statement and Record of Decision, dated May 1995, as supplemented and amended.

DATES: All comments must be received in writing by the BLM on or before September 5, 2006.

ADDRESSES: Address all written comments concerning this notice to Elaine Raper, Umpqua Field Manager, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459. Electronic format submittals will not be accepted.

FOR FURTHER INFORMATION CONTACT: Linda Petterson, Realty Specialist, at the above address or phone (541) 756–0100.

SUPPLEMENTARY INFORMATION: The following described public land in Coos County, Oregon, is suitable for sale under Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713 and 1719):

Willamette Meridian, Oregon

T. 25 S., R. 13 W.,
Sec. 4, lot 7.

The area described contains 33.85 acres, more or less. This parcel will be sold at no less than the appraised market value, which has been determined to be $350,000. The land will not be offered for sale until at least 60 days after publication of this notice.

In accordance with 43 CFR 2711.3–3, public lands may be offered for direct sale when the tract is identified for transfer to a State or local government. The Port plans to market the site for economic development that will benefit the Coos County area. No significant resource values will be affected by this disposal. The sale is consistent with the BLM's planning for the land involved and the public interest will be served by the sale.

The Port is an instrumentality of the State of Oregon, and is authorized to hold property in the State of Oregon.

The Port will be allowed 30 days from receipt of a written offer to submit a

deposit of at least 20 percent of the appraised value of the parcel, and within 180 days thereafter submit the balance. Payment must be made in U.S. currency. If the balance of the purchase price is not received within the 180 days, the deposit shall be forfeited to the United States and the parcel will be declared unsold and reoffered on a continuing basis in accordance with the competitive sale procedures described in 43 CFR 2711.3–1.

The purchaser will be required to reimburse the BLM for the cost of publishing this Notice in the **Federal Register** and the newspaper notification. Payment for reimbursement of all publishing costs will be due along with the final payment of the sale parcel. Payments must be by certified check, postal money order, bank draft, or cashier's check payable to the ''U.S. Department of the Interior, BLM''. Failure to meet conditions established for this sale will void the sale and any monies received will be forfeited.

Acceptance of the direct sale offer constitutes an application for conveyance of the mineral estate in accordance with Section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). A nonrefundable fee of $50.00 will be required from the purchaser for purchase of the mineral interests. Those mineral interests, to be conveyed simultaneously with the sale of the land, have been determined to have no known mineral value.

The following rights, reservations, and conditions will be included in the patent conveying the land:

1. A reservation to the United States for a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. The sale is for surface and subsurface estate with the following reservations: The patent will contain a reservation to the United States for all leasable minerals, together with the right to prospect for, mine and remove the same.

3. A covenant running with the land for that the portion of the land lying within the southeast corner of the property containing wetland-riparian habitat must be managed to protect and maintain the wetland-riparian habitat on a continuing basis.

4. The patent will be issued subject to all valid existing rights and reservations of record.

5. The patent would also include a notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620) holding the United States harmless from any release of hazardous materials that may have occurred as a result of the unauthorized use of the property by other parties.

6. Reservation OR 36509 to the United States Army Corps of Engineers for roads and dredging range structures.

7. Right-of-way OR 37075 to Coos County for a road, utilities and slope easement.

The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice in the **Federal Register**, whichever occurs first.

Public Comments

Detailed information concerning the sale, including the reservations, sale procedures and conditions, and planning and environmental documents, is available at the Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459.

Objections will be reviewed by the Coos Bay District Manager who may sustain, vacate, or modify this realty action. In absence of any objections, this realty action will become the final determination of the Department of the Interior.

Comments, including names, street addresses, and other contact information of respondents, will be available for public review. Individual respondents may request confidentiality. If you wish to request that the BLM consider withholding your name, street address, and other contact information (such as: Internet address, FAX or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. The BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. Anonymous comments will not be accepted. The BLM will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

(Authority: 43 CFR 2711.1–2(a)).

Dated: May 11, 2006.

M. Elaine Raper,

Umpqua Field Manager.

[FR Doc. E6–11449 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–957–1420–BJ]

Idaho: Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of surveys.

SUMMARY: The Bureau of Land Management (BLM) has officially filed the plats of survey of the lands described below in the BLM Idaho State Office, Boise, Idaho, effective 9 a.m., on the dates specified.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709–1657.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management to meet their administrative needs. The lands surveyed are:

This supplemental plat was prepared to show amended lottings, created by the segregation of Mineral Survey No. 3278 in section 4, and Mineral Survey No. 3279 in sections 9 and 10, T. 4 S., R. 44 E., Boise Meridian, Idaho, was accepted April 11, 2006.

The plat representing the dependent resurvey of a portion of the east boundary, subdivisional lines, and boundaries of certain Mineral Surveys, T. 48 N., R. 3 E., Boise Meridian, Idaho, was accepted May 10, 2006.

The plat representing the dependent resurvey of a portion of the Sixth Auxiliary Meridian East (east boundary), and a portion of the subdivisional lines, and the subdivision of section 13, and a metes-and-bounds survey in section 13, T. 6 N., R. 24 E., Boise Meridian, Idaho, was accepted December 9, 2003 and filed May 24, 2006.

The plat representing the dependent resurvey of portions of the east boundary, the subdivisional lines, the 1959–1968 Fixed and Limiting Boundaries in section 13, and Tract 37, and the survey of the 1994–1998 meanders of the Snake River in section 13, T. 5 N., R. 38 E., Boise Meridian, Idaho, was accepted June 9, 2006.

The plat representing the dependent resurvey of a portion of the First Standard Parallel South (south boundary of Township 6 South, Range 41 East), a portion of the east boundary, and a portion of the subdivisional lines, and the subdivision of section 1, T. 7 S., R. 41 E., Boise Meridian, Idaho, was accepted June 22, 2006.

Dated: July 13, 2006.

Stanley G. French,

Chief Cadastral Surveyor for Idaho.

[FR Doc. E6–11464 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–952–06–1420–BJ]

Filing of Plats of Survey; Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filing is effective at 10 a.m. on the date indicated below.

FOR FURTHER INFORMATION CONTACT: David D. Morlan, Chief, Branch of Geographic Sciences, Bureau of Land Management (BLM), Nevada State Office, 1340 Financial Blvd., P.O. Box 12000, Reno, Nevada 89520, 775–861–6541.

SUPPLEMENTARY INFORMATION:

1. The Supplemental Plat of the following described lands was officially filed at the Nevada State Office, Reno, Nevada, on April 28, 2006: The supplemental plat, showing a subdivision of lot 5, section 7, Township 19 South, Range 60 East, Mount Diablo Meridian, Nevada, was accepted April 27, 2006. This supplemental plat was prepared to meet certain administrative needs of the Bureau of Land Management.

2. The above-listed survey is now the basic record for describing the lands for all authorized purposes. This survey has been placed in the open files in the BLM Nevada State Office and is available to the public as a matter of information. Copies of the survey may be furnished to the public upon payment of the appropriate fees.

Dated: July 7, 2006.

David D. Morlan,

Chief Cadastral Surveyor, Nevada.

[FR Doc. E6–11451 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of a Final Environmental Impact Statement for the Fort King Special Resource Study

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 the National Park Service (NPS) announces the availability of a Final Environmental Impact Statement (FEIS) for the Fort King Special Resource Study. The document describes ways that the NPS may assist in preserving the Fort King site by outlining four management alternatives for consideration by Congress, including a no-action alternative. The FEIS analyzes the environmental impacts of those alternatives considered for the future protection, interpretation, and management of the site's cultural resources. The 37-acre study area is located in the city of Ocala, Marion County, Florida.

DATES: There will be a 30-day waiting period beginning with the Environmental Protection Agency's publication of its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the FEIS are available by contacting Tim Bemisderfer, Planning and Compliance Division, Southeast Region, National Part Service, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303. An electronic copy of the FEIS is available on the internet at *http://parkplanning.nps.gov*.

FOR FURTHER INFORMATION CONTACT: Tim Bemisderfer, 404–562–3124, extension 693.

SUPPLEMENTARY INFORMATION: The official comment period for the Fort King Special Resources Study and Draft Environmental Impact Statement (DEIS) began on November 30, 2005, and ended on January 30, 2006. The public was actively engaged in reviewing the draft document with over 250 copies of the DEIS distributed to stakeholders throughout Florida and beyond. Two well attended public meetings were held in Ocala, Florida on January 18, 2006.

Public comment on the DEIS did not result in substantive changes to the alternatives in the FEIS. Alternative A is the no-action alternative. For the purposes of this study, it is assumed that the Fort King site would continue to be owned and managed cooperatively by the city of Ocala, Marion County, and the Ocala Chapter of the Daughters of the American Revolution. The site would remain predominantly undeveloped, public access would be restricted, and the site's archeological resources would be protected and preserved in an undistributed condition. Under Alternative B, the site's archeological resources would be preserved and interpreted in-situ. Alternative B takes a conservative approach to site development that favors a simple and low cost implementation strategy. Under Alternative C, existing site infrastructure would be used as a base to quickly and efficiently provide public access and interpretive services. Alternative C favors a development strategy that builds upon a modest initial investment that can be expanded over time as additional funding and resources are secured. Under Alternative D, Fort King would highlight the site's strong association with nationally significant historical events and interpretive themes. Alternative D takes an ambitious approach to site development. Its larger initial investment in cultural landscape rehabilitation and visitor service infrastructure is intended to quickly establish the name recognition and credibility necessary to attract higher profile partners and compete for private and public financing.

Authority: The authority for publishing this notice is 40 CFR 1506.6.

The responsible official for the FEIS is Patricia A. Hooks, Regional Director, Southeast Region, National Park Service, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303.

Dated: May 15, 2006.

Patricia A. Hooks,

Regional Director, Southeast Region.

[FR Doc. 06–6315 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Notice of Availability for the Abbreviated Final General Management Plan Environmental Impact Statement for Pea Ridge National Military Park, AR

AGENCY: National Park Service, Interior.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability for the Abbreviated Final General Management Plan Environmental Impact Statement (GMP/EIS) for Pea Ridge National Military Park (Pea Ridge).

DATES: The final EIS will be made available for a 30-day period, following the publishing of the notice of availability in the **Federal Register** by the Environmental Protection Agency.

ADDRESSES: Copies of the final GMP/EIS will be available by request by writing to the Superintendent at Pea Ridge National Military Park, 15930 Highway 62, Garfield, Arkansas 72732. The document can be found on the Web site at: *http://parkplanning.nps.gov/.*

FOR FURTHER INFORMATION CONTACT: Superintendent, Pea Ridge National Military Park, 15930 Highway 62, Garfield, Arkansas 72732, telephone 417–732–2662.

SUPPLEMENTARY INFORMATION: The NPS prepared a draft GMP/EIS for Pea Ridge, pursuant to the National Environmental Policy At of 1969. This draft was made available for public review for 60 days (December 2005 to February 2006). Hard copy versions of the draft were distributed, and Pea Ridge made the draft EIS available on the Web, at the park, and in area libraries. A public presentation, attended by 25 participants, was held for the public to discuss and comment on the draft. The consensus of the public during the presentation was that the NPS would pursue the correct path for Pea Ridge by following Alternative 4, the preferred alternative. Comments from public agencies on the draft GMP/EIS will not require the NPS to add other alternatives, significantly alter existing alternatives, or make changes to the impact analysis of effects for any of the alternatives. Thus, an abbreviated format is used for the responses to comments in the final EIS, in compliance with the implementing regulations (40 CFR 1503.4(c) for the National Environmental Policy At, and the NPS Director's Order 12.

Dated: May 22, 2008

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. 06–6314 Filed 7–18–06; 8:45 am]

BILLING CODE 4312–BX–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability for the Record of Decision on the final Environmental Impact Statement for the General Management Plan, Fallen Timbers Battlefield and Fort Miamis National Historic Site, Ohio

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Record of Decision for the final General Management Plan and Environmental Impact Statement (GMP/EIS) for the Fallen Timbers Battlefield and Fort Miamis National Historic Site. The Midwest Regional Director approved the Record of Decision for this final GMP/EIS on May 17, 2006. The purpose of the GMP is to set forth the basic management philosophy for the park and to provide strategies for addressing issues and achieving identified management objectives. The final GMP/EIS described and analyzed the environmental impacts of four alternatives for the future management direction of the park.

The Fallen Timbers Battlefield and Fort Miamis National Historic Site is an affiliated area of the National Park System, managed by the Metropolitan Park District of the Toledo Area. The park consists of three units, the Fallen Timbers Battlefield, the Fallen Timbers State Monument, and Fort Miamis. The park commemorates an important period in the development of the United States and the opening of the northwest frontier. It represents the culminating event that demonstrated the tenacity of the American people in their quest for western expansion and the struggle for dominance in the Old Northwest Territory.

The preferred alternative in the final GMP/EIS was selected for implementation. Under this action, Toledo Metroparks will work with the NPS and other partners to protect cultural resources and interpret historic events. Various types of interpretive programs will be developed to encourage visitors to learn about the importance of the park units and the historic events. Most interpretation will take place at the edges of historic resources in order to ensure their preservation. A new visitor center will be built with local funding near the battlefield, and interpretive programs will cover all three units and the American Indian, British, and American perspectives of the time period. Links will be established between the units. Partnerships will be pursued with a wide variety of agencies and organizations to protect view sheds outside the park and to share programming, information, and materials.

The selected action best protects and preserves Fallen Timbers and Fort Miamis National Historic Site's cultural resources while also providing for visitor understanding and appreciation of the site's historic significance. The preferred alternative will not result in impairment of resources and values. The Record of Decision includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, the rationale for why the selected action is the environmentally preferred alternative, a finding of no impairment of park resources and values, and an overview of public involvement in the decisionmaking process.

FOR FURTHER INFORMATION CONTACT: Mr. James Speck, Director of Planning, Metropolitan Park District of the Toledo Area, 5100 West Central Avenue, Toledo, Ohio 43615–2100, by electronic mail at *james.speck@metroparkstoledo.com* or by telephone 419–270–7513. Copies of the final GMP/EIS and the Record of Decision are available upon request from Toledo Metroparks at the above address.

Dated: May 17, 2006.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. E6–11428 Filed 7–18–06; 8:45 am]

BILLING CODE 4312–85–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Record of Decision on the First Ladies National Historic Site General Management Plan Environmental Impact Statement, First Ladies National Historic Site, Ohio

AGENCY: National Park Service, Interior.

SUMMARY: Pursuant to section102(2)(C) of the National Environmental Policy Act of 1969, 83 Stat. 852, 853, codified as amended at 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Record of Decision (ROD) on the final General Management Plan/Environmental Impact Statement (GMP/EIS) for the First Ladies National Historic Site, Ohio. On May 22, 2006, the Regional Director, Midwest Region, approved the ROD for the project. As soon as practicable, the NPS will begin to implement the preferred alternative contained in the final GMP/EIS issued on April 7, 2006.

The following course of action will occur under the preferred alternative. Cultural resources will be preserved and various types of interpretive programs will be developed to encourage visitors to learn about the importance of the First Ladies and the historic events associated with First Ladies. Interpretive programs will focus on the roles of First Ladies in both their public and private lives. Partnerships will be pursued with a wide variety of agencies and organizations to publicize the site and to share programming, information, and exhibits.

Most of the Saxton House (House) will be managed as an historic zone. Visitor access would be limited mostly to interpretive tours. The story of the First Ladies will be interpreted at both the House and the Education and Research Center (ERC). Exhibits of

artifacts will support the interpretive program. Onsite interpretation will be provided at the House through guided tours, with further information available in programs in the ERC Theater and during special programs. Most of the ERC will be managed as a library zone, where resources are maintained at a high level of preservation. Visitor use will be restricted to portions of two floors. Implementing this alternative will cost approximately $395,000 in one-time upgrade and construction expenses.

This course of action and three other alternatives were analyzed in the draft and final GMP/EIS. The full range of foreseeable environmental consequences was assessed and appropriate mitigating measures were identified.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferred alternative, a finding on impairment of park resources and values, a listing of measures to minimize environmental harm, an overview of public involvement in the decision making process, and a conclusion.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Spears, Site Manager, First Ladies National Historic Site, 8095 Mentor Avenue, Mentor, Ohio 44060, telephone 440–974–2993. Copies of the ROD may be obtained by mail from Ms. Spears or the Planning, Environment and Public Comment Web site at *http://parkplanning.nps.gov/fila*.

Dated: May 22, 2006.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. 06–6312 Filed 7–18–06; 8:45 am]

BILLING CODE 4312–86–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Record of Decision on the Final Environmental Impact Statement for the General Management Plan, Lincoln Boyhood National Memorial, Indiana

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the Record of Decision (ROD) on the final Environmental Impact Statement (EIS) for the General Management Plan (GMP), Lincoln Boyhood National Memorial, Indiana. The Midwest Regional Director approved the ROD for this final GMP/EIS on June 20, 2006. Specifically, the NPS has selected the preferred alternative as described in the GMP/EIS. Under the selected action, the NPS would emphasize a greater array of interpretive opportunities, with the focus on the history of the Lincoln family in southern Indiana, and on the natural and sociopolitical environment of the times. The Lincoln Living Historical Farm would retain its current character, but the interpretive program would provide visitors with interpretive opportunities and demonstrations directly related to the Lincoln story and the way in which the family likely lived in Indiana. The memorial building and court would remain largely unchanged, but new administrative offices would be added to the rear of the structure. Where possible, some elements of the cloister could be returned to their original design. The new addition or structure would harmonize in size, scale, proportion, and materials with the extant structure and would not intrude on the historic scene.

The selected action and two other alternatives were analyzed in the draft and final EIS. A full range of foreseeable environmental consequences was assessed.

Among the alternatives the NPS considered, the selected action best protects Lincoln Boyhood National Memorial's natural and cultural resources, while also providing a range of quality interpretive and educational experiences. It also meets the NPS goals for managing the memorial and meets national environmental policy goals. The preferred alternative will not result in the impairment of resources and values.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, the rationale for why the selected action is the environmentally preferred alternative, a finding of no impairment of park resources and values, and an overview of public involvement in the decisionmaking process.

FOR FURTHER INFORMATION CONTACT: Superintendent Randy Wester, Lincoln Boyhood National Memorial, P.O. Box 1816, Lincoln City, Indiana 47552–1816, or by calling 812–937–4541. Copies of the final GMP/EIS and the ROD are available upon request from the above address.

Dated: June 20, 2006.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. E6–11427 Filed 7–18–06; 8:45 am]

BILLING CODE 4312–89–P

DEPARTMENT OF THE INTERIOR

National Park Service

Announcement of the National Park Service (NPS) Subsistence Resource Commission (SRC) Meetings Within the Alaska Region

AGENCY: National Park Service, Interior.

SUMMARY: The National Park Service (NPS) announces the SRC meeting schedule for the following NPS areas: Aniakchak National Monument and Lake Clark National Park. The purpose of each meeting is to develop and continue work on subsistence hunting program recommendations and other related subsistence management issues. Each meeting is open to the public and will have time allocated for public testimony. The public is welcomed to present written or oral comments to the SRC.

The NPS SRC program is authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act. Draft meeting minutes will be available upon request from each Superintendent for public inspection approximately six weeks after each meeting.

DATES: The Aniakchak National Monument SRC meeting will be held on Tuesday, September 19, 2006, from 1 p.m. to 5 p.m.

Location: The Aniakchak National Monument SRC meeting will be held at the Chignik Lake Subsistence Building in Chignik Lake, AK.

FOR FURTHER INFORMATION CONTACT: Mary McBurney, Subsistence Manager, 2181 Kachemak Drive, Homer, AK 99603, E-mail: *mary_mcburney@nps.gov;* telephone: (907) 235–7891; or Troy Hamon, Acting Superintendent and Chief of Resources, Aniakchak National Monument and Preserve, P.O. Box 7, King Salmon, AK 99613, E-mail: *troy_hamon@nps.gov*, telephone: (907) 246–2121 or (907) 246–3305.

DATES: The Lake Clark National Park SRC meeting will be held on Thursday, September 21, 2006, from 1 p.m. to 5 p.m.

Location: The Lake Clark National Park SRC meeting will be held at the

Newhalen Public School, in Newhalen, AK.

FOR FURTHER INFORMATION CONTACT: Mary McBurney, Subsistence Manager, 2181 Kachemak Drive, Homer, AK 99603, E-mail: *mary_mcburney@nps.gov;* telephone: (907) 235–7891; or Joel Hard, Superintendent, Lake Clark National Park and Preserve, E-mail: *joel_hard@nps.gov,* telephone: (907) 271–3751.

SUPPLEMENTARY INFORMATION: SRC meeting locations and dates may need to be changed due to weather conditions or local circumstances. If meeting dates and locations are changed a public notice will be published in local newspapers and announced on local radio stations.

The proposed agenda for each meeting includes the following:

1. Call to order by Chair.
2. Roll call and confirmation of quorum.
3. Superintendent's welcome and report.
4. Approval of minutes from last Commission meeting.
5. Additions and corrections to draft agenda.
6. SRC purpose and status of membership.
7. Public and other agency comments.
8. Old Business.
   a. Follow-up report on SRC recommendations from last meeting.
   b. Federal Subsistence Board Actions and Proposals.
   c. Alaska Board of Game Actions and Proposals.
9. New Business.
   a. Resource Management Program Updates.
   b. Avian Flu Update.
   c. Cultural and Subsistence Program Updates.
   d. Other Subsistence Related Issues.
10. Public and other agency comments.
11. Subsistence Resource Commission Work Session.
12. Set time and place of next SRC meeting.
13. Adjournment.

Marcia Blaszak,

Regional Director, Alaska Region.

[FR Doc. E6–11425 Filed 7–18–06; 8:45 am]

BILLING CODE 4312–HE–P

DEPARTMENT OF THE INTERIOR

National Park Service

Announcement of the National Park Service (NPS) Subsistence Resource Commission (SRC) Meetings Within the Alaska Region

AGENCY: National Park Service, Interior.

SUMMARY: The National Park Service (NPS) announces the SRC meeting schedule for the following NPS areas: Denali National Park and Wrangell-St. Elias National Park. The purpose of each meeting is to develop and continue work on subsistence hunting program recommendations and other related subsistence management issues. Each meeting is open to the public and will have time allocated for public testimony. The public is welcomed to present written or oral comments to the SRC.

The NPS SRC program is authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act. Draft meeting minutes will be available upon request from each Superintendent for public inspection approximately six weeks after each meeting.

DATES: The Denali National Park SRC meeting will be held on Thursday, August 3, 2006, from 9 a.m. to 5 p.m.

Location: The Denali National Park SRC meeting will be held at the Murie Science and Learning Center in Denali Park, Alaska.

FOR FURTHER INFORMATION CONTACT: Paul Anderson, Superintendent and Phillip Hooge, Deputy Superintendent, Denali National Park and Preserve, SRC P.O. Box 9, Denali Park, AK 99755, telephone: (907) 683–9581. E-mail: *phillip_hooge@nps.gov*.

DATES: The Wrangell-St. Elias National Park SRC meeting will be held on Wednesday, September 27, 2006, from 9 a.m. to 5 p.m.

Location: The meeting will be held at the Kenny Lake Community Hall, (Mile 7.5 Edgerton Highway), in Kenny Lake, Alaska.

FOR FURTHER INFORMATION CONTACT: Will Tipton, Acting Superintendent and Barbara Cellarius, Subsistence Manager/Cultural Anthropologist, Wrangell-St. Elias National Park and Preserve, P.O. Box 439, Copper Center, AK 99573, telephone: (907) 822–5234. E-mail: *Will_Tipton@nps.gov* or *Barbara_Cellarius@nps.gov.*

SUPPLEMENTARY INFORMATION: SRC meeting locations and dates may need to be changed due to weather conditions or local circumstances. If meeting dates and locations are changed a public notice will be published in local newspapers and announced on local radio stations.

The proposed agenda for each meeting includes the following:

1. Call to order by Chair.
2. Roll call and confirmation of quorum.
3. Superintendent's welcome and report.
4. Approval of minutes from last Commission meeting.
5. Additions and corrections to draft agenda.
6. Public and other agency comments.
7. Old Business.
   a. Follow-up report on SRC recommendations from last meeting.
   b. Federal Subsistence Board Actions and Proposals .
   c. Alaska Board of Game Actions and Proposals.
8. New Business.
   a. Resource Management Program Updates.
   b. Cultural and Subsistence Program Updates.
   c. Chief Ranger Report on Regulatory and Permit Actions.
   d. Other Subsistence Related Issues.
9. Public and other agency comments.
10. Subsistence Resource Commission Work Session.
11. Set time and place of next SRC meeting.
12. Adjournment.

Victor Knox,

Acting Regional Director, Alaska Region.

[FR Doc. E6–11426 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–PF–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of National Natural Landmark Designation for Ashfall Fossil Beds, Antelope County, NE

AGENCY: National Park Service, Interior.

ACTION: Public Notice of National Natural Landmark Designation.

SUMMARY: The Acting Secretary of the Interior has determined that Ashfall Fossil Beds, located near Orchard in Antelope County, Nebraska, meets the criteria for national significance and has designed this site a National Natural Landmark.

FOR FURTHER INFORMATION CONTACT: Margaret Brooks at 520–670–6501 extension 232.

SUPPLEMENTARY INFORMATION: On May 9, 2006, Acting Secretary Lynn Scarlett designated Ashfall Fossil Beds, a Nebraska State Historical Park, as a National Natural Landmark. Ashfall Fossil Beds meets the national significance criteria for a National Natural Landmark because it is the only location on earth where large numbers of fossil mammals have been found as whole, three-dimensionally preserved skeletons. A thick bed of volcanic ash contains hundreds of complete skeletons of extinct rhinos, camels, three-toed horses and many other vertebrates lying in their death poses in an ancient waterhole. The animals were killed and buried by ash from an enormous volcanic eruption some 10 million years ago. This site is located near Orchard in Antelope County and is open to the public.

The Secretary of the Interior established the National Natural

Landmark Program in 1962 under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461 *et seq.*). The National Park Service (NPS) manages this program using regulations found at 36 CFR part 62. Potential natural landmarks are identified in studies by the NPS and from other sources, evaluated by expert natural scientists, and, if determined nationally significant, designated as landmarks by the Secretary of the Interior. When designated, a landmark is included in the National Registry of Natural Landmarks, which currently lists 580 National Natural Landmarks nationwide. Of the 580 listed landmarks, half are administered solely by public agencies; i.e., Federal, State, county or municipal governments. Nearly one-third are owned solely by private parties. The remaining natural landmarks are owned or administered by a mixture of public and private owners. Because many natural landmarks are privately owned or not managed for public access, owner permission must be obtained to visit them. Designation does not infer a right of public access.

National natural landmark designation is not a land withdrawal, does not change the ownership of an area and does not dictate activity. However, Federal agencies should consider impacts to the unique properties of these nationally significant areas in carrying out their responsibilities under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Designation could result in State or local planning or land use implications. National Natural Landmark preservation is made possible by the long-term, voluntary commitments of public and private owners to protect the outstanding values of the areas. Information on the National Natural Landmark Program can be found in 36 CFR part 62 or on the Internet at *www1.nature.nps.gov/nnl/index.htm.*

Dated: May 22, 2006.

Margaret A. Brooks,

National Natural Landmark Program Manager.

[FR Doc. 06–6350 Filed 7–18–06; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Multiple National Natural Landmark Boundary Changes and De-designations

AGENCY: National Park Service, Interior.

ACTION: Public Notice of National Natural Landmark Boundary Changes and De-designations.

SUMMARY: Secretarial action on May 9, 2006, formally removed National Natural Landmark (NNL) designations in response to owner requests. This action resulted in boundary changes to 66 NNLs and complete de-designation of 8 NNLs.

FOR FURTHER INFORMATION CONTACT: Dr. Margaret Brooks at 520–670–6501 extension 232.

SUPPLEMENTARY INFORMATION: Secretarial action pursuant to 36 CFR 62.8(f)(3) occurred on May 9, 2006. This action formally removed National Natural Landmark (NNL) designations in response to owner requests. all such requests that have been fully processed have been granted. These removals resulted in the de-designation of eight NNLS, listed below, and boundary adjustments to 66 additional NNLs, also listed below. these de-designations and boundary adjustments were reviewed by the National Park Service Advisory Board in July 2004 prior to being presented to the Secretary for action. notification of the owners who requested that the designation be removed from their property was made at the start of the removal process in 2000. By regulation, this is a one-time action, and all removal requests pertaining to the 74 NNLs listed below were granted. Requests for removal from other NNLs are still being processed.

The following National Landmarks were de-designated:

Alaska: Middleton Island
Georgia: Sag Ponds Natural Area; Spooner Springs
Maine: Meddybemps Heath
New York: Gardiner's Island
West Virginia: Swago Karst
Wyoming: Bone Cabin; Lance Creek

The boundaries of the following National Natural Landmarks were revised:

Alabama: Newsome Sinks Karst Area
Alaska: Lake George; Malaspina Glacier; Mount Veniamenof
California: American River Bluffs & Phoenix Park Vernal Pools; Dixon Vernal Pools; Elder Creek; Imperial Sand Hills, Mt. Diablo State Park; Nipomo Dunes-Point Sal Coastal Area
Colorado: Slumgullion Earth Flow; Spanish Peaks
Connecticut: Chester Cedar Swamp; Pachaug-Great Meadow Swamp
Florida: Emeralda MarshPaynes Prairie; San Felasco Hammock
Georgia: Ebenezer Creek Swamp
Idaho: Menan Buttes
Illinois: Lower Cache River Swamp; Markham Prairie
Indiana: Big Walnut Creek
Kansas: Baldwin Woods
Kentucky: Henderson Sloughs
Maine: Appleton Bog Atlantic White Cedar Stand; Orono Bog; Passadumkeag Marsh and Boglands; Penny Pond-Joe Pond Complex
Massachusetts: Lynfield Marsh; North and South Rivers
Minnesota: Upper Red Lake Peatland
Nebraska: Dissected Loess Plains; Nebraska Sand Hills
New Jersey: Pigeon Swamp; Troy Meadows
New Mexico: Border Hills Structural Zone; Kilbourne Hole
North Carolina: Smith Island
North Dakota: Fischer Lake; Rush Lake; Sibley Lake
Oregon: Newberry Crater
Pennsylvania: Pine Creek Gorge; Tannersville Cranberry Bog
South Dakota: Cottonwood Slough-Dry Run; Lake Thompson
Tennessee: Grassy Cove Karst Area
Texas: Catfish Creek
Vermont: Cornwall Swamp; Franklin Bog
U.S. Virgin Islands: Coki Point Cliffs; Sand Point
Virginia: Grand Caverns
Washington: Boulder Park & McNeil Canyon Haystack; Drumheller Channels; Grand Ronde Goosenecks; Sims Corner Eskers and Kames; Steptoe and Kamaiak Buttes; Withrow Moraine & Jamison Lake Drumlin
West Virginia: Organ Cave System (Greenbirar Caverns)
Wisconsin: Cedarburg Bog; Ridges Santuary-Toft's Point-Mud Lake Area
Wyoming: Big Hollow; Como Bluff; Red Canyon; Sand Creek

The Secretary of the Interior established the National Natural Landmarks Program in 1962 under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461 *et seq.*). The National Park Service (NPS) manages this program using regulations found at 36 CFR part 62. Potential natural landmarks are identified in studies by the NPS and from other sources, evaluated by expert natural scientists, and, if determined nationally significant, designated as landmarks by the Secretary of the Interior. When designated, a landmark is included in the National Registry of Natural Landmarks, which currently lists 580 National Natural Landmarks nationwide. Of the 580 listed landmarks, half are administered solely by public agencies; *ie.*, Federal, State, county or municipal governments. nearly one-third are owned solely by private parties. The remaining natural landmarks are owned or administered by a mixture of public and private owners. Because many natural landmarks are privately owned or not managed for public access, owner permission must be obtained to visit them. Designation does not infer a right of public access.

National natural landmark designation is not a land withdrawal, does not change the ownership of an area and does not dictate activity. However, Federal agencies should consider impacts to the unique properties of these nationally significant areas in carrying out their responsibilities under the National Environmental Policy Act (42 U.S.C. 3232 *et seq.*). Designation could result in state or local planning or land use implications. National Natural Landmark preservation is made possible by the long-term, voluntary commitments of public and private owners to protect the outstanding values of the areas. Information on the National Natural Landmarks Program can be found in 36 CFR part 62 or on the Internet at *http://www.nature.nps.gov/nnl.*

Dated: June 19, 2006.

Margaret A. Brooks,

National Natural Landmarks Program Manager.

[FR Doc. 06–6313 Filed 7–18–05; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Plan of Operations, Categorical Exclusion, Big Thicket National Preserve, TX

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of a Plan of Operations and Categorical Exclusion for a 30-day public review at Big Thicket National Preserve.

SUMMARY: Notice is hereby given in accordance with Section 9.52(b) of Title 36 of the Code of Federal Regulations, Part 9, Subpart B, that the National Park Service (NPS) has received from Kerr McGee Oil and Gas Onshore LP, a Plan of Operations to conduct the Kountze 3–D ''Cable-Only'' Seismic Survey within the Big Sandy Creek Corridor, Lance Rosier, Turkey Creek and Village Creek Corridor Units of Big Thicket National Preserve, in Hardin County, Texas. The NPS has prepared a Categorical Exclusion on this proposal.

DATES: The above documents are available for public review and comment through August 18, 2006.

ADDRESSES: The Plan of Operations and Categorical Exclusion are available for public review and comment at *http://parkplanning.nps.gov* and in the Office of the Superintendent, Todd Brindle, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625. Copies of the Plan of Operations and Categorical Exclusion are available upon request from the contact listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Haigler *Dusty* Pate, Oil and Gas Program Manager, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625, Telephone: (490) 951–6822, e-mail at *Haigler_Pate@nps.gov.*

SUPPLEMENTARY INFORMATION: If you wish to comment on the Plan of Operations and Categorical Exclusion, you may mail comments to the name and address above or post comments online at *http://parkplanning.nps.gov/*. The documents will be on public review for 30 days. Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: July 12, 2006.

Michael D. Snyder,

Director, Intermountain Region, National Park Service.

[FR Doc. 06–6323 Filed 7–18–06; 8:45 am]

BILLING CODE 4312–CB–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on June 30, 2006, a proposed Consent Decree in *United States* v. *CBS Corporation, Winner Development Company, Inc., Winner Development LLC, and AK Steel Corporation*, Civ. No. 06–0868, was lodged with the United States District Court for the Western District of Pennsylvania.

The proposed consent decree would resolve the United States' claims, on behalf of the Environmental Protection Agency (''EPA''), under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''). 42 U.S.C. 9607(a), against CBS Corporation (''CBS''), Winner Development Company, Inc. (''Winner Inc.''), Winner Development, LLC (''Winner LLC''), and AK Steel Corporation (''AK Steel'') to recover costs incurred by the United States in performing response actions at the Westinghouse Sharon Superfund Site (''Site'') in Sharon, Mercer County, Pennsylvania as set forth in the terms of the decree. CBS, Winner Inc., Winner LLC, and AK Steel are liable for the United States' response costs under Section 107(a)(1) of CERCLA, 42 U.S.C. 9607(a)(2) because they are current owners of the Site. Further, CBS is also liable under Section 107(a)(2) of CERCLA, 42 U.S.C. 9607(a)(2), because its predecessor owned or operated, at the time of disposal, facilities at the Site at which hazardous substances were disposed.

Under the terms of the Consent Decree, CBS, Winner Inc., Winner LLC, and AK Steel have agreed to pay $2,685,621 of EPA's un-reimbursed response costs of $2,984,024 at the Site. They have also agreed to pay any future costs that the United States incurs and pays in connection with the Site that are not inconsistent with the National Contingency Plan.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *CBS Corporation, Winner Development Company, Inc., Winner Development, LLC, and AK Steel Corporation*, Civ. No. 06–0868, D.J. Ref. 90–11–2–06869/1/

The Consent Decree may be examined at the Office of the United States Attorney for the Western District of Pennsylvania, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia

Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of $5.75 (23 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–6346 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States of America* v. *Conexant Systems Inc., Rockwell International Corp.,* Civ. Action No. 06–2931 was lodged on July 5, 2006, with the United States District Court for the Eastern District of Pennsylvania.

In the Complaint filed in this matter, the United States alleges that Conexant Systems Inc. (''Conexant'') and Rockwell International Corp. (''Rockwell'') are liable for response costs pursuant to Section 107 of the Comprehensive Environmental Responses, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607 for their involvement with the Recticon/Allied Steel (''Site'') in Parkerford, Pennsylvania. The proposed Consent Decree would resolve the United States' claims set forth in the Complaint through the payment of $357,694, and an agreement by Conexant and Rockwell to continue to perform operation and maintenance at the Site.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044 and should refer to *United States of America* v. *Conexant Systems Inc., Rockwell International Corp.,* DJ No. 90–11–2–902/3.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106–4476, and at the Region 3 Office of the Environmental Protection Agency, 1630 Arch Street, Philadelphia, PA 19103. During the public comment period, the decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.25 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States of America* v. *Conexant Systems Inc., Rockwell International Corp.,* DJ No. 90–11–2–902/3.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–6348 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on July 6, 2006, a Consent Decree in the matter of *United States and the State of Ohio* v. *City of Fostoria, Ohio,* Civil Action No. 3:06–cv–1626, was lodged with the United States District Court for the Northern District of Ohio, Western Division.

In the complaint in this matter, the United States sought injunctive relief and penalties against the City of Fostoria (''Fostoria'') for claims arising under the Clean Water Act, 33 U.S.C. 1251 *et seq.,* in connection with Fostoria's wastewater treatment plant (''WWTP'') and its sewerage collection system. The State of Ohio joined the action. Under the Consent Decree, Fostoria will submit a long-term control plan by no later than January 31, 2008, and must implement the actions required in the approved long-term control plan by no later than December 31, 2025. In addition, Fostoria is required to, *inter alia:* (1) Properly operate and maintain Combined Sewer Overflow (''CSO'') automatic samplers and flow monitors; (2) develop and implement operation and maintenance manuals for the WWTP and sewer system; (3) inspect and clean its sewer system; (4) properly operate and maintain a primary overflow containment lagoon at the WWTP; (5) evaluate industrial user discharges to minimize their impact during wet weather; (6) engage in a continuing sampling program to verify that the discharges from a CSO outfall during dry weather are not the result of sanitary wastewater; (7) comply with interim effluent limits for total suspended solids and carbonaceous biochemical oxygen demand; and (8) comply with final effluent limits for all remaining pollutants. Fostoria also will pay a civil penalty of $30,000, one-half of which will be paid to the United States and the other half of which will be paid to the State of Ohio.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and the State of Ohio* v. *City of Fostoria, Ohio,* D.J. Ref. No. 90–5–1–1–08204.

The Consent Decree may be examined at the Office of the United States Attorney, Four Seagate, Suite 308, Toledo Ohio 43604–2624, and at U.S. EPA Region 5, 77 W. Jackson St., Chicago, IL 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $28.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–6343 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Extension of Public Comment Period Regarding Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

On June 7, 2006 (71 FR 33001), the United States Department of Justice published notice of the lodging of the two consent decrees in *United States* v. *Industrial Excess Landfill, Inc.,* Civil Action Number 5:89–CV–1988 (N.D. Ohio) (consolidated with *State of Ohio* v. *Industrial Excess Landfill, Inc.,* Civil Action Number 5:91–CV–2559 (N.D. Ohio)). Because of a typographical error in that notice, the Department of Justice published a corrected notice on June 28, 2006 (71 FR 36827), without changing the period for receipt of public comment. The United States is now extending the period for public comment through and including July 31, 2006. All comments from the public on the consent decrees described below must be received by that date.

The two proposed Consent Decrees were lodged with the United States District Court for the Northern District of Ohio on May 26, 2006. The first Consent Decree resolves claims against PPG Industries, Inc. (''PPG''), brought by the United States on behalf of the Environmental Protection Agency (''EPA'') under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9607, for response costs incurred and to be incurred by the United States in responding to the release and threatened release of hazardous substances at the Industrial Excess Landfill Superfund Site (''Site'') in Uniontown, Ohio. The second Consent Decree resolves claims against Morgan Adhesives Co. (''Morgan''), brought by the Untied States on behalf of EPA under Section 107 of CERCLA, 42 U.S.C. § 9607, for response costs incurred and to be incurred by the United States in responding to the release and threatened release of hazardous substances at the Site, as well as CERCLA and other claims related to the Site brought against Morgan by the State of Ohio. Both Consent Decrees are *de minimis* settlements pursuant to Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A). Under their respective Consent Decrees, PPG will pay $752,500 to the United States, and Morgan will pay $334,016 to the United States and $15,984 to the State of Ohio, in reimbursement of the United States' and the State's response costs; the United States covenants not to sue PPG, and the United States and the State of Ohio covenant not to sue Morgan, regarding the Site, subject to certain reservations of rights.

The Department of Justice has previously provided notice that, under 42 U.S.C. 9622(d)(2), 9622(g)(12) and 28 CFR § 50.7, it would receive comments relating to the Consent Decree for a period of 30 days from the original publication of notice of lodging in the **Federal Register**. That comment period would have ended on July 7, 2006. A party to the underlying lawsuit requested a relatively short extension of time to submit comments on the consent decree. The Department of Justice, in consultation with EPA and co-Plaintiff State of Ohio, determined that the extension is appropriate but that the comment period should be extended for the entire public.

Therefore, the United States Department of Justice will accept comment on either or both of the proposed consent decrees through July 31, 2006. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Industrial Excess Landfill, Inc.,* DOJ Ref. #90–11–3–247/2.

Each Consent Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113, and the Region 5 Office of the Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, Illinois 60604. During the public comment period, each Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/open.html.*

A copy of each Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood, *tonia.fleetwood@usdoj.gov,* Fax No. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree library, please specify whether requesting PPG Consent Decree, the Morgan Consent Decree, or both, and please enclose a check payable to the U.S. Treasury in the amount of $5.50 for the PPG Consent Decree, $6.25 for the Morgan Consent Decree, or $11.75 for both Consent Decrees (for reproduction costs of 25 cents per page).

William D. Brighton,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–6347 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 12, 2006, a proposed Consent Decree in *United States* v. *NL Industries, Inc., et al.,* Civil Action No. 91–00578–JLF, was lodged with the United States District Court for the Southern District of Illinois. The Consent Decree resolves claims of the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Recovery Act (''CERCLA''), 42 U.S.C. 9606 and 9607, against Ace Scrap Metal Processors, Inc. (''Settling Defendant''), in connection with the NL Industries/Taracorp Superfund Site located in Granite City, Madison, and Venice, Illinois.

Under the proposed settlement, Settling Defendant will pay $580,000 of U.S. EPA's past costs incurred at the Site, and a civil penalty of $20,000 for failure to comply with a unilateral administrative order issued by U.S. EPA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *NL Industries, Inc., et al.,* D.J. Ref. 90–11–3–608A.

The Consent Decree may be examined at the Office of the United States Attorney, Nine Executive Drive, Suite 300, Fairview Heights, Illinois 62208, and at U.S. EPA Region V, 77 West Jackson Blvd., Chicago, IL 60604. During the public comments period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by

faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $6.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 06–6344 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities; Proposed Collection, Comments Requested

ACTION: 60-day notice of information collection under review laboratory customer satisfaction assessment—[1110–NEW].

The Department of Justice, Federal Bureau of Investigation, Laboratory Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

Comments are encouraged and will be accepted until September 18, 2006. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Robert B. Stacey, Quality Manager, FBI Laboratory, 2501 Investigation Parkway, Quantico, Virginia, 22135.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

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, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including the use of automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of information collection:* Customer survey.

2. *The title of the form/collection:* Customer Satisfaction Assessment.

3. *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form FD–1000, Laboratory Division, Federal Bureau of Investigation, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary—Local and state law enforcement agencies. This collection is needed to evaluate the quality of services provided by the FBI Laboratory.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that there will be 5,000 respondents at 5 minutes per form.

6. *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 416 hours annual burden associated with this information collection.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Bryant, Department Deputy Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: July 13, 2006.

Lynn Bryant,

Department Clearance Officer, United States Department of Justice.

[FR Doc. E6–11407 Filed 7–18–06; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

July 13, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Ira Mills at the Department of Labor on 202–693–4122 (this is not a toll-free number) or E-Mail: *Mills.Ira@dol.gov.* This ICR can also be accessed online at *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll free number), within 30 days from the date of this publication in the **Federal Register.**

The OMB 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 submission of responses.

Agency: Employment and Training Administration (ETA).

Type of Review: Extension of a currently approved collection.

Title: Statement of Expenditures and Financial Adjustment of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Servicemembers.

OMB Number: 1205–0162.

Frequency: Quarterly.

Affected Public: State, Local, or Tribal Government.

Type of Response: Recordkeeping; Reporting.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): 0.

Description: Federal and military agencies must reimburse the Federal Employees Compensation Account for the amount expended for benefits to former Federal (civilian) employees and ex-servicemembers. The report informs ETA of the amount to bill such agencies.

Ira L. Mills,

Departmental Clearance Officer/Team Leader.

[FR Doc. E6–11446 Filed 7–18–06; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment Notice of Pre-Existing Condition Exclusion

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)((A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of currently approved collections of information arising from the Department's regulation at 29 CFR 2590.701–3, which requires group health plans and insurance issuers to provide certain notices regarding the pre-existing condition exclusions imposed under such plans to all participants under the plan and to specific individuals affected by the pre-existing condition exclusions. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before September 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Regulation section 2590.701–3 requires group health plans imposing a pre-existing condition exclusion, and health insurance issuers offering group health insurance subject to a pre-existing condition exclusion, to provide all participants under the plan a written general notice of the pre-existing condition and also to provide any affected individual a specific written notice describing the length of pre-existing condition exclusion applicable to that individual under the plan after the plan or issuer has made a determination, for that individual, of creditable coverage. EBSA previously submitted an ICR with respect to these pre-existing condition exclusion notices to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210–0102. The ICR approval is currently scheduled to expire on October 31, 2006.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of the information collections arising from the pre-existing condition exclusion notice requirements of 29 CFR 2590.701–3. The Department is not proposing or implementing any changes to the information collections at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Notice of Pre-Existing Condition Exclusion.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0102.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 1,300,000.

Responses: 2,700,000.

Total Estimated Burden Hours: 2,289.

Total Burden Cost (Operating and Maintenance): $272,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: July 13, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–11402 Filed 7–18–06; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment Establishing Prior Creditable Coverage

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing

collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)((A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of a currently approved collection of information arising from the Department's regulation at 29 CFR 2590.701–5, which requires group health plans and health insurance issuers to furnish a written certificate suitable for establishing prior creditable coverage to participants and dependents who are or were covered under the group health plan upon the occurrence of specified events. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before September 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Subsection (a) of 29 CFR 2590.701–5 requires a group health plan and each health insurance issuer offering group health insurance coverage under a group health plan to furnish certificates of creditable coverage to specified individuals under specified circumstances. EBSA previously submitted an ICR concerning the requirement to provide certificates of creditable coverage to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210–0103. The ICR approval is currently scheduled to expire on October 31, 2006.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

• Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of information collections arising from the requirement under 29 CFR 2590.701–5 to provide certificates of creditable coverage. The Department is not proposing or implementing changes to the existing information collections at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Establishing Prior Creditable Coverage.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0103.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 2,600,000.

Responses: 21,000,000.

Total Estimated Burden Hours: 260,000.

Total Burden Cost (Operating and Maintenance): $18,500,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: July 13, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–11403 Filed 7–18–06; 8:45 am]

BILLING CODE 4510–20–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Request for Public Comment Notice of Special Enrollment

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of a currently approved collection of information arising from the Department's regulation at 29 CFR 2590.701–6, which requires a notice of special enrollment to be provided to employees who are offered an initial opportunity to enroll in a group health plan. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before September 18, 2006.

ADDRESSES: Interested parties are invited to submit written comments regarding the information collection request and burden estimates to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210, (202) 693–8410, FAX (202) 219–4745 (these are not toll-free numbers).

Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Subsection (c) of 29 CFR 2590.701–6 requires group health plans to provide a notice describing the plan's special enrollment rules to each employee who is offered an initial opportunity to enroll in the group health plan. The special enrollment rules described in the notice of special enrollment generally provide enrollment rights to employees and their dependents in specified circumstances occurring after the employee or dependent initially declines to enroll in the plan. EBSA previously submitted an ICR concerning the notice of special enrollment to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210–0101. The ICR approval is currently scheduled to expire on October 31, 2006.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submission of responses.

III. Current Action

This notice requests comments on an extension of information collections arising from the notice of special enrollment required under 29 CFR 2590.701–6. The Department is not proposing or implementing changes to the existing information collection at this time. A summary of the ICR and the current burden estimates follows:

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Notice of Special Enrollment.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0101.

Affected Public: Business or other for-profit; not-for-profit institutions.

Frequency of Response: On occasion.

Respondents: 2,600,000.

Responses: 9,200,000.

Total Estimated Burden Hours: 1.

Total Burden Cost (Operating and Maintenance): $77,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: July 13, 2006.

Susan G. Lahne,

Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. E6–11404 Filed 7–18–06; 8:45 am]

BILLING CODE 4510–20–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

July 13, 2006.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given the National Council on the Humanities will meet in Washington, DC on July 27–28, 2006.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on July 27–28, 2006, will not be open to the public pursuant to subsections (c)(4),(c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on July 27, 2006 will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion

9–10:30 a.m.
Challenge Grants—Room 415
Education Programs—Room 315
Federal/State Partnership—Room 507
Public Programs—Room 420

(Closed to the Public)

Discussion of Specific Grant Applications and Programs Before the Council

10:30 a.m. until Adjourned
Challenge Grants—Room 415
Education Programs—Room 315
Federal/State Partnership—Room 507
Public Programs—Room 420

2:30–3:30 p.m.
National Humanities Medals—Room 527

The morning session on July 28, 2006 will convene at 9 a.m., in the 1st Floor Council Room M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

A. Minutes of the Previous Meeting
B. Reports
1. Introductory Remarks
2. Staff Report
3. Congressional Report
4. Reports on Policy and General Matters
a. Challenge Grants
b. Education Programs
c. Federal/State Partnership
d. Public Programs
e. National Humanities Medals

The remainder of the proposed meeting will be given to the consideration of specific applications and closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Ms. Heather Gottry, Acting Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

Heather Gottry,

Acting Advisory Committee, Management Officer.

[FR Doc. E6–11397 Filed 7–18–06; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:*

DOE/NRC Form 742—Revision.

DOE/NRC Form 742C—Extension.

2. *The title of the information collection:*

DOE/NRC Form 742, ''Material Balance Report;''

NUREG/BR–0007, ''Instructions for the Preparation and Distribution of Material Status Reports;'' and DOE/NRC Form 742C, ''Physical Inventory Listing.''

3. *The form numbers if applicable:* NRC Form 742 and NRC Form 742C.

4. *How often the collection is required:* DOE/NRC Forms 742 and 742C are submitted annually following a physical inventory of nuclear materials.

5. *Who will be required or asked to report:* Persons licensed to possess specified quantities of special nuclear or source material.

6. *An estimate of the number of responses:*

DOE/NRC Form 742: 180 licensees.

DOE/NRC Form 742C: 180 licensees.

7. *An estimate of the number of annual respondents:*

DOE/NRC Form 742: 180 licensees.

DOE/NRC Form 742C: 180 licensees.

8. *The number of hours needed annually to complete the requirement or request:*

DOE/NRC Form 742: 900 hours (5 hours per respondent.).

DOE/NRC Form 742C: 1,080 hours (6 hours per respondent.).

9. *An indication of whether section 3507(d), Public Law 104–13 applies:* NA.

10. *Abstract:* Each licensee authorized to possess special nuclear material totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, are required to submit DOE/NRC Forms 742 and 742C. In addition, any licensee authorized to possess 1,000 kilograms of source material is required to submit DOE/NRC Form 742. The information is used by NRC to fulfill its responsibilities as a participant in US/IAEA Safeguards Agreement and various bilateral agreements with other countries, and to satisfy its domestic safeguards responsibilities.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by August 18, 2006. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

John A. Asalone, Office of Information and Regulatory Affairs (3150–0004; –0058), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *John_A._Asalone@omb.eop.gov* or submitted by telephone at (202) 395–4650.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 12th day of July 2006.

For the Nuclear Regulatory Commission.

Brenda Jo Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E6–11409 Filed 7–18–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–54]

Omaha Public Power District Independent Spent Fuel Storage Installation; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of an Environmental Assessment and Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sebrosky, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–1132; Fax number: (301) 415–8555; E-mail: *jms3@nrc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption to Omaha Public Power District (OPPD) pursuant to 10 CFR 72.7, from specific provisions of 10 CFR 72.48(c)(2)(viii), 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214. The licensee wants to use the Transnuclear, Inc. (TN) Standardized NUHOMS® Storage System, Certificate of Compliance No. 1004 (CoC or Certificate) Amendment No. 8 (32PT dry shielded canister), to store spent nuclear fuel under a general license in an Independent Spent Fuel Storage Installation (ISFSI) associated with the operation of the Fort Calhoun Station (FCS), located in Washington County, Nebraska. OPPD is requesting an exemption from CoC No. 1004 and NRC regulations to allow changes to the transfer cask (TC) dose rate measurements, an earlier start time for vacuum drying and use of a method of thermal analysis that is a departure from the methodology described in the Standardized NUHOMS® updated final safety analysis report (FSAR).

Environmental Assessment (EA)

Identification of Proposed Action: The proposed action would exempt OPPD from the requirements of 10 CFR 72.48(c)(2)(viii), 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214 and enable OPPD to use a light weight TC and allow the use of an earlier start time for vacuum drying in conjunction with the Standardized NUHOMS® Storage System, CoC 1004, at the FCS. Sections 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214 specifically require storage in casks approved under the provisions of 10 CFR part 72 and compliance with the conditions set forth in the CoC for each dry spent fuel storage cask used by an ISFSI general licensee. The TN NUHOMS® CoC provides requirements, conditions, and operating limits in Attachment A, Technical Specifications (TSs). The proposed action would exempt OPPD from the requirements of 10 CFR 10 CFR

72.212(a)(2), 10 CFR 72.212(b)(2)(i)(A), 10 CFR 72.212(b)(7) and 10 CFR 72.214 in order to permit changes from TSs in Amendment 8 to CoC No. 1004 which would allow changes to the TC dose rate measurements, and allow an earlier start time for vacuum drying. Specifically, the exemption would be from CoC No. 1004 Attachment A, TSs, 1.2.1, ''Fuel Specification,'' 1.2.11, ''Transfer Cask Dose Rates with a Loaded 24P, 52B, 61BT, or 32PT Dry Shielded Canister,'' and 1.2.17a, ''32PT Dry Shielded Canister Vacuum Drying Duration Limit.'' In addition, the proposed action would exempt OPPD from requirements of 10 CFR 72.48(c)(2)(viii), which requires that a general licensee request that the certificate holder obtain a CoC amendment prior to implementing a change that would result in a departure from a method of evaluation described in the FSAR for the design. The method of evaluation for which OPPD is seeking an exemption involves the thermal analysis associated with the TC while it is inside the transfer trailer radiological shielding.

OPPD committed in its June 9, 2006, submittal to a maximum decay heat load per dry shielded canister (DSC) of 11 kilowatts (kW). This is less than the CoC No. 1004 Attachment A, Technical Specification, Table 1–1e maximum decay heat limit of 24 kW per DSC. In addition, in its July 3, 2006, supplement OPPD indicated that the minimum cooling time for the fuel that it intended to load is 16.2 years. This time is greater than the minimum amount of time specified in TS Table 1–1e.

The NRC has determined that the exemption, if granted, will contain the following four conditions: (1) OPPD will be limited to loading a total of four 32PT DSCs, (2) OPPD shall limit the decay heat level per DSC to 11 kW to ensure cask loadings are bounded by the analyses supporting the TN CoC No. 1004, Amendment No. 8, (3) OPPD shall limit the cooling time of the fuel that it intends to load to a minimum of 16.2 years to ensure that the radiological source term for fuel that is loaded in the light weight TC is kept as low as reasonably achievable, and (4) the TS 1.2.11 dose rate limit/specification are substituted with the limit of 170 mrem/hr in the axial direction and 110 mrem/hr in the radial direction. The axial dose rate limit of 170 mrem/hr is to be taken under the conditions in Table 1 below. The radial dose rate limit of 110 mrem/hr is to be taken under the conditions in Table 2 below.

TABLE 1.—AXIAL DOSE RATE MEASUREMENT CONFIGURATION

32PT DSC inside the OS197L inside the decon sleeve/bell
Water drained from the DSC
TC/DSC annulus full (within approximately 1 foot of the top)
TC neutron shield full
Top shield plug in place and included in axial shielding
Inner top cover plate in place and included in axial shielding
Automated welding system (AWS) with integral shield in place and included in axial shielding
Measurement taken at vertical centerline of DSC, 3 feet from AWS shield

TABLE 2.—RADIAL DOSE RATE MEASUREMENT CONFIGURATION

32PT DSC inside OS197L inside decon sleeve/bell
water drained from the DSC
TC/DSC annulus full (within approximately 1 foot of the top)
TC neutron shield full
6 inch nominal thickness carbon steel decon sleeve/bell in place and included in radial shielding
measurement taken at outside surface (contact) of decon sleeve/bell

The proposed action is in accordance with the licensee's request for exemption dated June 9, 2006, as supplemented July 3, 2006, July 7, 2006, and July 12, 2006.

Need for the Proposed Action: The proposed action is needed because the FCS will lose full core offload after the 2006 refueling outage. During this refueling outage, major components of the reactor coolant system will be replaced including two steam generators, the reactor vessel head and the pressurizer. The large amount of reactor coolant system components being replaced during the outage raises the likelihood that foreign material could be introduced into the reactor vessel and potentially deposited under the core support plate. This scenario would require the core to be offloaded to the spent fuel pool and the reactor core barrel to be removed to allow removal of the foreign material. In addition, allowing four DSCs to be loaded prior to the beginning of the refueling outage would allow better management of decay heat loads within the spent fuel pool (including minimization of fuel handling activities) and would also allow the receipt and storage of new fuel prior to the refueling outage. Regarding receipt and storage of the new fuel, OPPD intends to inspect 44 new fuel assemblies and 49 new control rods to support the 2006 refueling outage. Once inspections are complete the assemblies are transferred from the new fuel storage rack into the spent fuel pool. This fuel handling operation requires more resources, presents more radiological challenges, and is more complicated than normal intra-spent fuel pool fuel movements. Consequently, it is OPPD's practice to perform these operations prior to a refueling outage before the spent fuel from the core is offloaded into the spent fuel pool.

The proposed action is necessary because the NRC has not received an amendment to CoC No. 1004 to allow changes to the TC dose rate measurements, an earlier start time for vacuum drying and the use of a method of thermal analysis that is a departure from the methodology described in the Standardized NUHOMS® updated FSAR. The staff would have to review such an amendment request and only after making the appropriate findings would the staff initiate a 10 CFR 72.214 rulemaking to implement the change. This process typically takes at least 10 months from the receipt of the amendment request for simple license amendments. Complex license amendments can take over 30 months. Therefore, an amendment to allow changes to the TC dose rate measurements, an earlier start time for vacuum drying and the use of a method of thermal analysis that is a departure from the methodology described in the Standardized NUHOMS® updated FSAR can not be completed in time to support OPPD's stated needs.

Environmental Impacts of the Proposed Action: The NRC has completed its evaluation of the proposed action and concludes that there will be no significant environmental impact if the exemption is granted. The staff has determined that the proposed action would not endanger life or property. The potential environmental impact of using the NUHOMS® system was initially presented in the Environmental Assessment (EA) for the Final Rule to add the TN Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel to the list of approved spent fuel storage casks in 10 CFR 72.214 (59 FR 65898, dated December 22, 1994).

The staff performed a safety evaluation of the proposed exemption. The staff has determined that the exemption to allow changes to the TC dose rate measurements, an earlier start time for vacuum drying and the use of a method of thermal analysis that is a departure from the methodology described in the Standardized

NUHOMS® updated FSAR meets the requirements of 10 CFR part 72 for granting an exemption. Regarding the changes to the TC dose rate measurements, OPPD is seeking an exemption from TS 1.2.1, and 1.2.11. The exemption from TS 1.2.1 and 1.2.11 relate to the wording in these TSs for the TC dose rates. OPPD proposes to use a light weight TC that has reduced shielding including the elimination of all the lead shielding from previous versions of the TC. The reduced shielding results in a lower weight for the TC. The OS197L TC was developed by TN to be used at plants with reduced spent fuel pool building crane capacity. The OS197L TC is intended for plants that are limited to a 75 ton spent fuel pool building crane capacity. The TC that the OS197L TC replaces (which TN designates as the OS197 TC) requires a 100 ton spent fuel pool building crane capacity. Because the OS197L TC has less shielding (including the elimination of all the lead shielding) than the OS–197, the OS197L TC surface dose rates are higher than the OS197 TC with lead shielding. To reduce personnel doses, crane operations associated with the OS197L TC are done remotely and supplemental shielding is provided in the decontamination area where the DSC is welded and on the transfer trailer that is used to transport the OS197L TC to the horizontal storage module. The TS 1.2.1 and TS 1.2.11 exemptions involve the use of supplemental shielding in addition to the shielding provided by the OS917L TC to meet the intent of the TSs. TS 1.2.11 involves the measurement of the TC surface dose rates in the axial and radial direction. The objective of taking these dose rate measurements is to ensure that the DSC has not been inadvertently loaded with fuel not meeting specification (i.e., a fuel misload), and to maintain dose rates ALARA.

In the safety evaluation report (SER) the staff provides the following reasons for granting the exemptions to TS 1.2.1 and 1.2.11: (1) Use of fuel with a minimum cooling time of 16.2 years ensures that the OS197L TC surface dose rate will be significantly lower than it would be for bounding type fuel, (2) appropriate ALARA precautions are being taken at the FCS given the use of the OS197L TC, and (3) use of the OS197L TC is limited to four DSCs and is found to be acceptable at the FCS due to the extenuating circumstances that are described in OPPD's exemption request (e.g., limited to use of a 75 ton crane, loss of full core offload capability, allow receipt and storage of new fuel, and allow better management of decay heat loads within the spent fuel pool). Additional reasons cited in the SER for granting the exemption to TS 1.2.11 include: (1) OPPD calculated TS limits specifically for the axial and radial directions and the calculations in the radial direction included the supplemental shielding, (2) OPPD's calculated values are consistent with the TS 1.2.11 values, and (3) the applicant demonstrated that the appropriate procedures will be in place to identify a fuel misloading and maintain doses ALARA. Based on the technical information provided in the exemption request, and the reasons provided above, the staff finds that there is reasonable assurance the applicant meets the shielding and dose requirements of 10 CFR part 72 and 10 CFR part 20.

Regarding an earlier start time for vacuum drying, the staff reviewed OPPD's request to change TS 1.2.17a. OPPD will start the time limit for completing vacuum drying earlier in the loading sequence and will use helium as the backfill gas. In the current FSAR, draining up to 750 gallons of water from the DSC prior to it leaving the spent fuel pool is allowed to reduce the weight on the crane. The DSC is then placed in the decontamination area where the inner top cover plate is welded. During the welding process approximately 750 gallons of water remains in the DSC. After the welding is completed and the weld examinations are successfully performed, the remaining water in the DSC is removed and vacuum drying is started. Unlike what is currently described in the FSAR, OPPD plans to remove the majority of the water from the DSC prior to it leaving the spent fuel pool. OPPD plans to perform the welding of the DSC inner top cover plate with the DSC in the drained condition. To support draining the DSC earlier in the process than currently described in the FSAR, OPPD proposes to start the time limit associated with completing vacuum drying at the time that the initial 750 gallon drain down from the canister is achieved, which is prior to movement of the cask/canister to the decontamination area.

The time limits of TS 1.2.17a were selected to ensure that the maximum cladding temperature is within the acceptable limit of 752 °F during vacuum drying. These time limits also ensure that the cladding temperature meets the thermal cycling criteria of 117 °F during drying, helium backfilling, and transfer operations. The staff's basis for concluding that the exemption is appropriate, as documented in the staff's SER, is that starting the time limit for vacuum drying earlier in the loading sequence is bounded by the thermal analysis previously performed. Therefore, based on its review of the representations and information supplied by the applicant the staff concludes that the change to the sequence to drain the DSC earlier in the process and the corresponding change to the start of the vacuum drying time has been adequately described and evaluated by the applicant, and finds reasonable assurance that these changes meet the thermal requirements of 10 CFR part 72.

Regarding the change in method of evaluation related to the modeling of the heat transfer for the OS197L TC while it is inside the transfer trailer temporary shielding, OPPD intends to limit the loading of the DSCs to a total heat load of 11 kW. The supplemental shielding on the transfer trailer causes an impediment to heat transfer. Limiting the heat load of the DSC to 11 kW ensures that this configuration is bounded by the design basis fuel assemblies thermal analysis previously evaluated by the staff. The 11 kW limit is less than the CoC No. 1004 Attachment A, Technical Specification, Table 1–1e maximum decay heat limit of 24 kW and is therefore bounding. Based on its review of the representations and information supplied by the applicant the staff concludes that the thermal design for the TC inside the transfer trailer has been adequately described and evaluated by the applicant, and finds reasonable assurance that by limiting the heat load to 11 kW the thermal requirements of 10 CFR part 72 are met.

The proposed action to allow changes to the TC dose rate measurements, an earlier start time for vacuum drying and the use of a method of thermal analysis that is a departure from the methodology described in the Standardized NUHOMS® FSAR do not increase the probability or consequences of accidents, and no changes are being made in the types of any effluents that may be released offsite. Occupational exposures will not increase adversely because of the use of remote handling techniques for the OS197L TC and the additional supplemental shielding provided in the decontamination area and on the transfer trailer. Likewise public radiation exposure will not increase adversely due to the additional shielding provided on the transfer trailer. For an accident condition a complete loss of the OS197L TC neutron shield and the transfer trailer supplemental shielding was postulated. The dose rate at the site boundary assuming bounding fuel in a 32PT

canister and a 100 meter site boundary is approximately 13 mrem/hour. This equates to a 104 mrem dose at the site boundary assuming an 8 hour recovery period. This dose is well below the 10 CFR 72.106 regulatory limit of 5000 mrem for accident conditions. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The exemption only affects the requirements associated with TC dose rate measurements, an earlier start time for vacuum drying, and the use of a different thermal analysis of the TC on the transfer trailer and does not affect non-radiological plant effluents or any other aspects of the environment. Therefore, there are no significant non-radiological impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternative to the Proposed Action: Because there is no significant environmental impact associated with the proposed action, alternatives with equal or greater environmental impact were not evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the exemption would result in no change in the current environmental impact.

Agencies and Persons Consulted: This exemption request was discussed with Julia Schmitt of the Nebraska Health and Human Services Regulation and Licensure Radiation Control Program Office on July 5, 2006. The State official had no comments regarding the environmental impact of the proposed action. The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

Conclusion: The staff has reviewed the exemption request submitted by OPPD. Allowing changes to the TS TC dose rate measurements, an earlier start time for vacuum drying, and a different method of thermal analysis of the TC on the transfer trailer would have no significant impact on the environment.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing Environmental Assessment, the Commission finds that the proposed action of granting the exemption from specific provisions of 10 CFR 72.48(c)(2)(viii), 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214 to allow OPPD to make changes to the TS TC dose rate measurements, an earlier start time for vacuum drying, and a different method of thermal analysis of the TC on the transfer trailer, subject to conditions, will not significantly impact the quality of the human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed exemption is not warranted.

In accordance with 10 CFR 2.390 of NRC's ''Rules of Practice,'' final NRC records and documents regarding this proposed action are publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). The request for exemption dated June 9, 2006, and supplemented July 3, 2006, July 7, 2006, and July 12, 2006, was docketed under 10 CFR part 72, Docket No. 72–54. These documents may be inspected at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or (301) 415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 13th day of July, 2006.

For the Nuclear Regulatory Commission.

Joseph M. Sebrosky,

Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E6–11408 Filed 7–18–06; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Postal Service Board of Governors, Sunshine Act Meeting

Board Votes to Close July 12, 2006, Meeting

In person and by telephone vote on July 12, 2006, a majority of the members contacted and voting, the Board of Governors voted to close to public observation a meeting held in Washington, DC via teleconference. The Board determined that prior public notice was not possible.

ITEMS CONSIDERED:

1. Strategic Planning.
2. Rate Case Update.
3. Labor Negotiations Planning.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Requests for information about the meeting should be addressed to the Secretary of the Board, Wendy A. Hocking, at (202) 268–4800.

Wendy A. Hocking,

Secretary.

[FR Doc. 06–6383 Filed 7–17–06; 3:09 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Request for Medicare Payment.

(2) *Form(s) submitted:* G–740S, CMS–1500.

(3) *OMB Number:* 3220–0131.

(4) *Expiration date of current OMB clearance:* 10/31/2006.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* See Justification (Item No. 12).

(8) *Total annual responses:* 1.

(9) *Total annual reporting hours:* 1.

(10) *Collection description:* The Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the Railroad Retirement System. The collection obtains the information needed by Palmetto GBA, the RRB's carrier, to pay claims for services covered under Part B of the program.

Additional Information or Comments: Copies of the forms and supporting

documents can be obtained from Charles Mierzwa, the agency clearance officer (312–751–3363) or *Charles.Mierzwa@rrb.gov.*

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 or *Ronald.Hodapp@rrb.gov* and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E6–11384 Filed 7–18–06; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Aurora Medical Technology, Inc.; Order of Suspension of Trading

July 14, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Aurora Medical Technology, Inc. (''AROR'') because of possible manipulative conduct occurring in the market for the company's stock.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EDT, on July 14, 2006 through 11:59 p.m. EDT, on July 27, 2006.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. 06–6304 Filed 7–14–06; 11:02 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54133; File No. SR–CBOE–2006–49]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto To Modify Its Short Term Option Series Pilot Program To Permit the Listing of Up To Seven Series Per Class

July 12, 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 June 27, 2006, the Chicago Board Options Exchange, Incorporated (''CBOE'' 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 Exchange. The Exchange filed Amendment No. 1 to the proposed rule change on July 11, 2006.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify its Short Term Option Series pilot program (''Pilot Program'') to change the number of series that may be listed for a class selected to participate in the Pilot Program from five to seven. The text of the proposed rule change, as amended, is set forth below. Proposed new language is in *italics*; deletions are in [brackets].

* * * * *

Rule 5.5. Option Contracts Open for Trading

(a)–(c) No change.

(d) Short Term Option Series Pilot Program. After an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire on the next Friday that is a business day (''Short Term Option Expiration Date''). If the Exchange is not open for business on a Friday, the Short Term Option Opening Date will be the first business day immediately prior to that Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday.

Regarding Short Term Option Series, [no new Short Term Option Series may be added after the open of business on the Short Term Option Opening Date and] no Short Term Option Series may expire in the same week in which monthly option series on the same class expire.

The Exchange may continue to list Short Term Option Series until the Short Term Option Series Pilot Program expires on July 12, 2007.

. . . Interpretations and Policies

.01–.02 No change.

.03 Except for Short Term Option Series, the Exchange usually will open four expiration months for each class of options open for trading on the Exchange: The first two being the two nearest months, regardless of the quarterly cycle on which that class trades; the third and fourth being the next the two months of the quarterly cycle previously designated by the Exchange for that specific class. (For example, if the Exchange listed, in late April, a new stock option on a January–April–July–October quarterly cycle, the Exchange would list the two nearest term months (May and June) and the next two expiration months of the cycle (July and October).*)* When the May series expires, the Exchange would add January series. When the June series expires, the Exchange would add August series as the next nearest month, and would not add April).

Regarding Short Term Option Series, the Exchange may select up to five currently listed option classes on which Short Term Option Series may be opened on any Short Term Option Opening Date. In addition to the five-option class restriction, the Exchange also may list Short Term Option Series on any option classes that are selected by other securities exchanges that employ a similar Pilot Program under their respective rules. For each option class eligible for participation in the Short Term Option Series Pilot Program, the Exchange may open up to [five] *seven* Short Term Option Series for each expiration date in that class. The strike price of each Short Term Option Series will be fixed at a price per share, with [at least two] *approximately the same number of* strike prices *being opened* above and [two strike prices] below the value of the underlying security or calculated index value at about the time

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, a partial amendment, the Exchange corrected a typographical error in the proposed rule text.

that *the* Short Term Option Series [is] *are initially* opened for trading on the Exchange (*e.g., if seven series are initially opened, there will be at least three strike prices above and three strike prices below the value of the underlying security or calculated index value). If the Exchange opens less than seven Short Term Option Series for a Short Term Option Expiration Date, additional series may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened.*

.04–.09 No change.

* * * * *

Rule 24.9 Terms of Index Option Contracts

(a) General.

(1) No Change.

(2) Expiration Months. Index option contracts may expire at three-month intervals or in consecutive months. The Exchange may list up to six expiration months at any one time, but will not list index options that expire more than twelve months out. Notwithstanding the preceding restriction, until the expiration in November 2004, the Exchange may list up to seven expiration months at any one time for the SPX, MNX and DJX index option contracts, provided one of those expiration months is November 2004.

Short Term Option Series Pilot Program. Notwithstanding the preceding restriction, after an index option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire on the next Friday that is a business day (''Short Term Option Expiration Date''). If the Exchange is not open for business on a Friday, the Short Term Option Opening Date will be the first business day immediately prior to that Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday.

The Exchange may continue to list Short Term Option Series until the Short Term Option Series Pilot Program expires on July 12, 2007.

Regarding Short Term Option Series, the Exchange may select up to five currently listed option classes on which Short Term Option Series may be opened on any Short Term Option Opening Date. In addition to the five-option class restriction, the Exchange also may list Short Term Option Series on any option classes that are selected by other securities exchanges that employ a similar Pilot Program under their respective rules. For each index option class eligible for participation in the Short Term Option Series Pilot Program, the Exchange may open up to [five] *seven* Short Term Option Series on index options for each expiration date in that class. The strike price of each Short Term Option Series will be fixed at a price per share, with [at least two] *approximately the same number of* strike prices *being opened* above and [two strike prices] below the calculated value of the underlying index at about the time that *the* Short Term Option Series [is] *are initially* opened for trading on the Exchange (*e.g., if seven series are initially opened, there will be at least three strike prices above and three strike prices below the value of the underlying security or calculated index value). If the Exchange has opened less than seven Short Term Option Series for a Short Term Option Expiration Date, additional series may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the current value of the underlying index moves substantially from the exercise price or prices of the series already opened.* No Short Term Option Series on an index option class may expire in the same week during which any monthly option series on the same index class expire or, in the case of QIXs, in the same week during which the QIXs expire.

(3)–(5) No change.

(b)–(c) No change.

. . . Interpretations and Policies:

.01–.11 No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 12, 2005, the Commission approved the Pilot Program.[4] The Pilot Program allows CBOE to list and trade Short Term Option Series, which would expire one week after the date on which a series is opened. Under the Pilot Program, CBOE can select up to five approved options classes on which Short Term Option Series could be opened.[5] A series could be opened on any Friday that is a business day and would expire on the next Friday that is a business day.[6] If a Friday were not a business day, the series could be opened (or would expire) on the first business day immediately prior to that Friday.[7]

The current terms of the Pilot Program provide that the Exchange usually would open five Short Term Option Series for each expiration date in that class. In addition, the strike price of each Short Term Option Series is fixed at a price per share, with at least two strike prices above and two strike prices below the value of the underlying

[4] *See* Securities Exchange Act Release No. 52011 (July 12, 2005), 70 FR 41451 (July 19, 2005) (SR–CBOE–2004–63) (approving Short Term Option Series on a pilot basis through July 12, 2006). The Pilot Program has since been extended through July 12, 2007. *See* Securities Exchange Act Release No. 53984 (June 14, 2006), 71 FR 35718 (June 21, 2006) (SR–CBOE–2006–48) (notice of filing and immediate effectiveness of extension of the Pilot Program).

[5] A Short Term Option Series could be opened in any options class that satisfied the applicable listing criteria under CBOE rules (*i.e.*, stock options, options on exchange-traded funds as defined under Interpretation and Policy .06 to CBOE Rule 5.3, or options on indexes). The Exchange can also list and trade Short Term Option Series on any options class that is selected by another exchange that employs a similar pilot program, though to date the Exchange is not aware of any other exchanges listing Short Term Option Series.

[6] Under the Pilot Program, Short Term Option Series are settled in the same manner as the monthly expiration series in the same class. Thus, if the monthly option contract for a particular class would be A.M.-settled, as most index options are, the Short Term Option Series for that class also would be A.M.-settled; if the monthly option contract for a particular class were P.M.-settled, as most non-index options are, the Short Term Option Series for that class also would be P.M.-settled. The Exchange notes that certain monthly expiration index options—specifically, American- and European-style options on the S&P 100 Index (OEX and XEO, respectively)—are P.M.-settled. Therefore, Short Term Option Series in these series would also be P.M.-settled. Similarly, Short Term Option Series for a particular class are physically settled or cash-settled in the same manner as the monthly option contract in that class.

[7] Additionally, CBOE will not open a Short Term Option Series in the same week that the corresponding monthly options series is expiring, because the monthly options series in its last week before expiration is functionally equivalent to the Short Term Option Series.

security or calculated index value at about the time that the Short Term Option Series is opened.[8] CBOE is now proposing to modify these terms of the Pilot Program to provide that up to seven (as opposed to five) Short Term Option Series may be opened in an options class selected for the program for each expiration date. Approximately the same number of strike prices would be opened above and below the value of the underlying security or calculated index value at about the time the Short Term Option Series are initially opened for trading. For example, if seven series are initially opened, there will be at least three strike prices above and three strike prices below the value of the underlying security or calculated index value. In addition, the Exchange is proposing that, if the Exchange has opened less than seven Short Term Option Series in a particular options class for a given expiration date, additional series in that class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when the current value of the underlying index moves substantially from the exercise price or prices of the series already opened. In any event, the total number of series for a given expiration date will not exceed seven.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act [9] in general, and furthers the objectives of section 6(b)(5) of the Act [10] in particular, in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed modification to the Pilot Program would result in a continuing benefit to investors, by allowing the Exchange to maintain an orderly market and meet customer demand, and accommodate instances where the underlying security or index value may move substantially. As such, the Exchange believes the change would increase the utility of the Pilot Program, consistent with the Pilot Program's objectives.

[8] The interval between strike prices on a Short Term Option Series is the same as with the corresponding monthly options series.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2006–49 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2006–49. 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 submissions should refer to File Number SR–CBOE–2006–49 and should be submitted on or before August 9, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–11388 Filed 7–18–06; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–54138; File No. SR–Phlx–2006–35]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a System Change to the Options Floor Broker Management System

July 12, 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 May 18, 2006,the Philadelphia Stock Exchange, Inc. (''Phlx'' 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 Phlx. On July 12, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Form 19b–4 dated July 12, 2006 (''Amendment No. 1''). Amendment No. 1 replaced the original filing in its entirety. Telephone

Exchange filed the proposal pursuant to section 19(b)(3)(A) of the Act [4] and Rule 19b–4(f)(5) thereunder,[5] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Exchange Rule 1063(e) to include a cross [6] as one of the transaction categories to be recorded onto the Options Floor Broker Management System (''FBMS'').[7] The text of the proposed rule change, as amended, is available on the Phlx's Web site (*http://www.phlx.com*), at the Phlx's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In July, 2003, the Exchange implemented a consolidated options audit trail system (''COATS'') to create an electronic audit trail for non-electronic orders and to improve, among other things, order handling by Floor Brokers, by deploying the FBMS.[8] The purpose of the instant proposed rule change is to improve the existing electronic audit trail and provide a more efficient options marketplace by augmenting the FBMS, as described below.

Currently, the FBMS only provides one mechanism for cross transactions that are executed by Floor Brokers, *i.e.*, the entry of two separate, contra-side orders for the same series. The Exchange is implementing a new, additional screen on the FBMS to reflect certain crosses as a single transaction, rather than requiring separate buy and sell transactions to be recorded.

Specifically, in cross transactions where both sides of the transaction contain completely identical terms,[9] Floor Brokers will select the new cross screen which will automatically duplicate all of the terms of the initiating order to record the contra side, prior to representation in the crowd. The Exchange believes that this should better capture the actual time of receipt of a crossing order by streamlining the data entry process required of Floor Brokers pursuant to Exchange Rule 1063(e).

Finally, the proposed systems change will not replace the current rules setting forth the in-crowd requirements for Floor Brokers for handling crosses,[10] but will improve the FBMS.

2. Statutory Basis

The Exchange believes that its proposal, as amended, is consistent with section 6(b) of the Act [11] in general, and furthers the objectives of section 6(b)(5) of the Act [12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by maintaining an accurate, time-sequenced audit trail of options transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change, as amended, has become effective pursuant to section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(5) thereunder.[14] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2006–35 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.

conversation between Anthony Voci, Director and Counsel, Phlx, and Natasha Cowen, Commission, Division of Market Regulation (''Division''), on July 12, 2006 (''Telephone Conversation'').

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(5).

[6] A cross can occur when a Floor Broker holds orders to buy and sell the same options series. *See* Exchange Rule 1064(a).

[7] The FBMS is a component of AUTOM, the Exchange's electronic order delivery, routing, execution and reporting system. *See* Exchange Rule 1080. The FBMS is designed to enable Floor Brokers and/or their employees to enter, route and report transactions stemming from options orders received on the Exchange. The Options Floor Broker Management System also is designed to establish an electronic audit trail for options orders represented and executed by Floor Brokers on the Exchange, such that the audit trial provides an accurate, time-sequenced record of electronic and other orders, quotations and transactions on the Exchange, beginning with the receipt of an order by the Exchange, and further documenting the life of the order through the process of execution, partial execution, or cancellation of that order.

[8] *See* Securities Exchange Act Release No. 48266 (July 31, 2003), 68 FR 47131 (August 7, 2003) (SR–Phlx–2003–56).

[9] The following terms must be identical in order for the new cross screen to be utilized: order type, option symbol, price, number of contracts, any contingency indicators, and the clearing number of the broker-dealer that submitted the order. Telephone Conversation.

[10] *See* Exchange Rule 1064.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(5).

[15] For purposes of calculating the 60-day abrogation period, the Commission considers the proposed rule change to have been filed on July 12, 2006, when Amendment No. 1 was filed.

All submissions should refer to File Number SR–Phlx–2006–35. 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 offices of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2006–35 and should be submitted on or before August 9, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E6–11390 Filed 7–18–06; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of quarterly meeting.

DATES: August 16, 2006—9 a.m. to 5:30 p.m.; August 17, 2006—1:30 p.m. to 5 p.m.; August 18, 2006—9 a.m. to 12 noon.

ADDRESSES: Double Tree Hotel Crystal City, 300 Army Navy Drive, Arlington, VA 22202. *Phone:* 703–416–4100.

SUPPLEMENTARY INFORMATION:

Type of Meeting: On August 16–18, 2006, the Ticket to Work and Work Incentives Advisory Panel (the ''Panel'') will hold a quarterly meeting open to the public.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a meeting of the Ticket to Work and Work Incentives Advisory Panel. Section 101(f) of Public Law 106–170 establishes the Panel to advise the President, the Congress, and the Commissioner of SSA on issues related to work incentive programs, planning, and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use the meeting time to receive briefings and presentations on matters of interest, conduct full Panel deliberations on the implementation of the Act and receive public testimony.

The Panel will meet in person commencing on Wednesday, August 16, 2006, from 9 a.m. until 5:30 p.m. The quarterly meeting will continue on Thursday, August 17, 2006, from 1:30 p.m. until 5 p.m. and on Friday, August 18, 2006, from 9 a.m. until 12 noon.

Agenda: The full agenda will be posted at least one week before the start of the meeting on the Internet at *http://www.ssa.gov/work/panel/meeting_information/agendas.html*, or can be received, in advance, electronically or by fax upon request. Public testimony will be heard on Wednesday, August 16, 2006, from 1:30 p.m. until 2:30 p.m. and Thursday, August 17, 2006, from 3:15 p.m. until 3:45 p.m. Individuals interested in providing testimony in person should contact the Panel staff as outlined below to schedule a time slot. Members of the public must schedule a time slot in order to comment. In the event public comments do not take the entire scheduled time period, the Panel may use that time to deliberate or conduct other Panel business. Each individual providing public comment will be acknowledged by the Chair in the order in which they are scheduled to testify and is limited to a maximum five-minute, verbal presentation.

Full written testimony on the Implementation of the Ticket to Work and Work Incentives Program, no longer than five (5) pages, may be submitted in person or by mail, fax or e-mail on an ongoing basis to the Panel for consideration.

Since seating may be limited, persons interested in providing testimony at the meeting should contact the Panel staff by e-mailing Ms. Tinya White-Taylor, at *Tinya.White-Taylor@ssa.gov* or by calling (202) 358–6420.

Contact Information: Records are kept of all proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the staff by:

- Mail addressed to the Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 400 Virginia Avenue, SW., Suite 700, Washington, DC 20024.
- Telephone contact with Tinya White-Taylor at (202) 358–6420.
- Fax at (202) 358–6440.
- E-mail to *TWWIIAPanel@ssa.gov*.

Dated: July 11, 2006.

Chris Silanskis,

Designated Federal Officer.

[FR Doc. E6–11410 Filed 7–18–06; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5468]

60-Day Notice of Proposed Information Collection: DS–1884, Petition to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad, OMB Control Number 1405–0082

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

Title of Information Collection: Petition for Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad.

OMB Control Number: 1405–0082.

Type of Request: Extension of a Currently Approved Collection.

Originating Office: Bureau of Consular Affairs, Office of Visa Services (CA/VO)

Form Number: DS–1884.

Respondents: Aliens petitioning for immigrant visas under INA 203(b)(4).

Estimated Number of Respondents: 300 per year.

Estimated Number of Responses: 300 per year.

Average Hours per Response: 30 minutes.

Total Estimated Burden: 150 hours per yea.

Frequency: Once per petition.

Obligation to Respond: Required to Obtain Benefit.

DATES: The Department will accept comments from the public up to 60 days from July 19, 2006.

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

- E-mail: *VisaRegs@state.gov* (Subject line must read DS–1884 Reauthorization).
- Mail (paper, disk, or CD–ROM submissions): Chief, Legislation and Regulation Division, Visa Services—DS–1884 Reauthorization, 2401 E Street, NW., Washington, DC 20520–30106.
- Fax: (202) 663–3898.

You must include the DS form number, information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Andrea Lage of the Office of Visa Services, U.S. Department of State, 2401 E Street, NW., L–603, Washington, DC 20522, who may be reached at (202) 663–1221 or *lageab@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection: DS–1884 solicits information from petitioners for special immigrant classification under Section 203(b)(4) of the Immigration and Nationality Act. An alien is classifiable as a special immigrant under Section 203(b)(4) if they meet the statutory qualifications in INA Section 101(a)(27)(D). A petitioner may apply within one year of notification by the Department of State that the Secretary has approved a recommendation that special immigrant status be accorded to the alien. DS–1884 solicits information that will assist the consular officer in ensuring that the petitioner is statutorily qualified to receive such status, including meeting the years of service and exceptional service requirements.

Methodology: Petitioners will submit this form to consular officers at post.

Dated: June 29, 2006.

June H. Kunsman,

Managing Director, Bureau of Consular Affairs, Department of State.

[FR Doc. E6–11437 Filed 7–18–06; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending June 30, 2006

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2006–25255.

Date Filed: June 28, 2006.

Parties: Members of the International Air Transport Association.

Subject:

Mail Vote 494—Resolution 010s

TC31 North & Central Pacific

Between TC3 (except Japan) and North America, Caribbean

Special Passenger Amending Resolution

From Hong Kong SAR, Macao SAR to North America, Caribbean (Memo 0365).

Intended effective date: July 13, 2006.

Docket Number: OST–2006–25285.

Date Filed: June 30, 2006.

Parties: Members of the International Air Transport Association.

Subject:

PTC COMP Mail Vote 495—Resolution 010t

PTC3/23/31/123 Special Amending Resolution—Sri Lanka (Memo 1323).

Intended effective date: October 1, 2006.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–11473 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending June 30, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2006–25289.

Date Filed: June 30, 2006.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 21, 2006.

Description: Application of Air Madrid Lineas Aereas S.A., requesting a foreign air carrier permit to engage in (i) scheduled foreign air transportation of persons, property, and mail between any point or points in Spain and points in the United States coextensive with the rights provided under the bilateral agreement, and (ii) charter foreign air transportation of persons, property and mail pursuant to the U.S.-Spain Air Transport Agreement and Part 212 of the Department's Regulations.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E6–11472 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2006–25398]

Notice of Receipt of Petition for Decision That Nonconforming 1999–2006 Suzuki GXS1300R Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999–2006 Suzuki GXS1300R motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999–2006 Suzuki GXS1300R motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 18, 2006.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.] Anyone is able to search the electronic form of all comments 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: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

US SPECS of Aberdeen, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether non-U.S. certified 1999–2006 Suzuki GXS1300R motorcycles are eligible for importation into the United States. The vehicles that U.S. SPECS believes are substantially similar are 1999–2006 Suzuki GXS1300R motorcycles that were manufactured for importation into and sale in the United States and were certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it carefully compared non-U.S. certified 1999–2006 Suzuki GXS1300R motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 1999–2006 Suzuki GXS1300R motorcycles, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1999–2006 Suzuki GXS1300R motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems.*

The petitioner further contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* inspection of all vehicles and replacement of the following with U.S.-model components on vehicles not already so equipped: (a) Headlamps; (b) tail lamps; (c) front and rear turn signal lamps; (d) front and rear side-mounted reflex reflectors; rear-mounted reflex reflector; and (e) left handlebar-mounted lighting control switch assembly.

Standard No. 111 *Rearview Mirrors:* inspection of all vehicles and modification or replacement of any non-U.S.-model components as necessary to conform to this standard.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays:* installation of a U.S.-model speedometer, or modification of the speedometer so that it reads in miles per hour.

Standard No. 205 *Glazing Materials:* inspection of all vehicles, and removal of noncompliant glazing or replacement of the glazing with U.S.-model components on vehicles that are not already so equipped.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Claude H. Harris,

Director, Office of Vehicle, Safety Compliance.

[FR Doc. E6–11484 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor

vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 18, 2006.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 13, 2006.

R. Ryan Posten,

Chief Special Permits Program, Office of Hazardous Materials, Special Permits & Approvals.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14366–N	.....	The Boeing Company, Huntington Beach, CA.	49 CFR 173.62, 173.302, and 173.185.	To authorize the one-way transportation in commerce of the Orbital Express ASTRO satellite containing explosives, lithium batteries and helium in alternative packaging by motor vehicle from California to Florida. (mode 1).
14372–N	.....	Landmark Aviation, Los Angeles, CA.	49 CFR 173.301(a)(1); 173.304	To authorize the transportation in commerce of certain non-DOT specification cylinders of foreign manufacture used as components (fire extinguishers) in aircraft. (modes 1, 2, 3, 4, 5).
14373–N	.....	Zippo Manufacturing Corporation, Bradford, PA.	49 CFR 173.308, 175.10, 175.30, 175.33.	To authorize the transportation of lighters in specially designed packagings for transportation by passenger-carrying aircraft. (mode 5).
14374–N	.....	Union Carbide Corporation, Midland, MI.	49 CFR 173.211	To authorize the transportation in commerce of Division 4.3 hazardous material in non-DOT specification cylinders. (modes 1, 2, 3).
14375–N	.....	EaglePicher, Joplin, MO	49 CFR 173.56, 173.62	To authorize the transportation in commerce of certain Division 1.1A explosives in a solution of ethanol and water when transported in a specially designed packaging configuration by motor vehicle. (mode 1).
14376–N	.....	BIC Consumer Products Manufacturing Co. Inc., Milford, CT.	49 CFR 171.8, 172.102, SP 168, 173.21(i) and 173.308.	To authorize the transportation in commerce of unapproved scrap lighters in various stages of final manufacturing containing Division 2.1 flammable gas by motor vehicle only for purposes of disposal. (mode 1).
14377–N	.....	Department of Energy, Washington, DC.	49 CFR 173.417(a)(1)(i)	To authorize the transportation in commerce of certain radioactive materials that use an alternative method of calculating the Criticality Safety Index for transportation by motor vehicle. (mode 1).
14378–N	.....	Dominion Nuclear, Connecticut, Inc., Waterford, CT.	49 CFR 173.403, 173.427(b)(1)	To authorize the one-time transportation in commerce of a Class 7 surface contaminated object in alternative packaging. (modes 1, 3).

[FR Doc. 06–6325 Filed 7–18–06; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of Applications for Modification of Special Permit.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before August 3, 2006.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If Confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 13, 2006.

R. Ryan Posten,

Chief, Special Permits Program, Office of Hazardous Materials, Special Permits & Approvals.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of special permit	Nature of special permit thereof
10785–M	.....	Thermo Electron Corporation, Sugar Land, TX.	49 CFR 173.301(a)(1); 173.302a, 175.3.	10785	To modify the special permit to authorize the transportation in commerce of a Division 2.2 material in non-DOT specification packaging.
11447–M	.....	SAES Pure Gas, Inc., San Luis Obispo, CA.	49 CFR 173.187	11447	To modify the special permit to authorize the transportation in commerce of certain Division 4.1 materials in two (2) additional non-DOT specification packagings.
11513–M	.....	ATK Thiokol, Brigham City, UT	49 CFR 172.101	11513	To modify the special permit to authorize transportation of additional Class 1 propellant samples, and wet cut propellant in non-DOT specification containers.
11579–M	.....	Austin Powder Company	49 CFR 177.848(e)(2); 177.848(g)(3).	11579	To modify the special permit to authorize the transportation of additional Division 1.4, 1.5, 5.1, & Combustible materials and the use of several DOT Specification and non-DOT specification bulk packagings.
12247–M	RSPA–99–5490.	Weldship Corporation, Bethlehem, PA.	49 CFR 172.301; 173.302a(b)(2), (b)(3) and (b)(4); 180.205(c) and (g) and 180.209(a).	12247	To modify the special permit to authorize ultrasonic testing of DOT–SP 9001, 9370, 9421, 9706, 9791, 9909, 10047, 10869, and 11692 cylinders.
12274–M	RSPA–99–5707.	Snow Peak, Inc., Clackamas, OR.	49 CFR 173.304a(d)(3)(ii)	12274	To modify the special permit to authorize the transportation in commerce of an additional Division 2.1 material in non-DOT specification nonrefillable inside containers.

MODIFICATION SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of special permit	Nature of special permit thereof
12844–M	RSPA–01–10753.	Delphi Corporation, Vandalia, OH.	49 CFR 173.301(a)(1); 173.302a(a)(1); 175.3.	12844	To modify the special permit to authorize a higher maximum service pressure for non-DOT specification pressure vessels used as components of automobile vehicle safety systems.
12879–M	RSPA–01–11095.	Rohm and Haas Company, Philadelphia, PA.	49 CFR 172.514	12879	To modify the special permit to authorize the transportation in commerce of portable tanks and IBCs containing combustible liquids without required placards.
14321–M	PHMSA–06–23987.	Luxfer, Riverside, CA	49 CFR 173.302a, 173.304a, 180.205.	14321	To convert the special permit that was originally issued on an emergency basis to a permanent special permit.

[FR Doc. 06–6326 Filed 7–18–06; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[PHMSA–06–24764; Notice No. 06–03]

Revision of the Emergency Response Guidebook

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: This notice advises interested persons that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is soliciting comments on the development of the 2008 Emergency Response Guidebook (ERG2008), particularly from those who have experience using the 2004 Emergency Response Guidebook (ERG2004) during a hazardous materials incident. PHMSA is also soliciting comments on the experiences emergency responders have had obtaining emergency response information during an incident. The ERG2008 will supersede the ERG2004. The development of the ERG2008 is a joint effort involving the transportation agencies of the United States, Canada, and Mexico. PHMSA will publicize its interest in receiving comments on the ERG2008 and this notice through its announcements to emergency responder associations, during training and education seminars, and during activities with State and local government agencies. PHMSA has also established an e-mail address for interested persons to submit their comments: *ERG2008@dot.gov.*

DATES: Written comments should be submitted on or before September 18, 2006.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–06–24764 (Notice No. 06–03)) by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–402, Washington, DC 20590–0001.
- Hand Delivery: To the Docket Management System; Room PL–402 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act heading under **SUPPLEMENTARY INFORMATION**.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to the Docket Management System (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Suezett Edwards, Office of Hazardous Materials Initiatives and Training (PHH–50), Pipeline and Hazardous Materials Safety Administration (PHMSA) 400 Seventh Street, SW., Washington, DC 20590–0001, phone number: (202) 366–4900, e-mail: *Suezett.edwards@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Request for Comments

A. Background and Purpose

The Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.,* authorizes the Secretary of Transportation to issue and enforce regulations deemed necessary to ensure the safe transport of hazardous materials. In addition, the law directs the Secretary of Transportation to provide law enforcement and fire-fighting personnel with technical information and advice for responding to emergencies involving the transportation of hazardous materials.

PHMSA developed the Emergency Response Guidebook (ERG) for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. Since 1976, it has been the goal of PHMSA for all public emergency response vehicles, including fire fighting, police, and rescue squad vehicles, to carry a copy of the ERG. To accomplish this, PHMSA has published nine editions of the ERG and has distributed without charge over

nine million copies to emergency services agencies.

Since 1996, PHMSA, Transport Canada, and the Secretary of Communication and Transport of Mexico jointly developed the ERG. The ERG2008 will supersede the ERG2004 and we will publish it in English, French, and Spanish for use by emergency response personnel. Publication of the ERG2008 will increase public safety by providing consistent emergency response procedures for hazardous materials incidents in North America. To continually improve the ERG, PHMSA is publishing this notice to actively solicit comments from interested parties on their experiences using the ERG2004. We request that commenters provide responses to the questions listed below as well as any additional information they would like to provide. We are especially interested in receiving comments on the usefulness of the ERG and the type and quality of information it provides from those who have used the ERG during a hazardous materials incident. To further examine the information received during a hazardous materials incident, we have included questions to solicit comments on the type and quality of information received when using the emergency response telephone numbers listed in the ERG2004. The emergency response information service companies that provide these numbers have agreed to be available by telephone 24 hours a day, 7 days a week to provide specific information about hazardous materials to emergency responders arriving at the scene of a hazardous materials transportation incident.

To better ensure emergency responders and the public have sufficient opportunity to comment on the ERG2008 and this notice, PHMSA's training and outreach program will actively publicize its interest in receiving these comments through announcements to emergency responder associations, during training and education seminars, and during activities with State and local government agencies. In addition, PHMSA has established an e-mail address for interested persons to easily submit their comments. The address is *ERG2008@dot.gov.*

B. Emergency Response Guidebook User Concerns

PHMSA solicits comments on ERG user concerns and on the following questions:

1. Have emergency responders experienced a problem of inconsistent guidance between ERG2004 and other sources of technical information? If so, in what way could PHMSA reduce or reconcile the inconsistencies in the ERG2008?

2. Have emergency responders experienced confusion or difficulty in understanding the scope or purpose of the ERG2004? If so, in what way could PHMSA reduce this difficulty in the ERG2008?

3. Have emergency responders experienced confusion or difficulty in understanding how to use the ERG2004? If so, in what way could PHMSA reduce this difficulty in the ERG2008?

4. How could the ''Table of Initial Isolation and Protective Action Distances'' or its introduction be made easier to comprehend and use?

5. In the ''Table,'' does the distinction between day and night protective action distances add useful information for the first responder? How could the distinction be improved?

6. Could the ''List of Dangerous Water-Reactive Materials'' introduced in The 1996 North American Emergency Response Guidebook (NAERG96) be enhanced or improved?

7. Have emergency responders experienced difficulty understanding the capabilities of chemical protective clothing, and the limitations of structural firefighter's protective clothing in hazardous materials incidents? If so, in what way can PHMSA improve the understanding in the ERG2008?

8. Have any identification numbers (ID Nos.) been assigned incorrectly to a material? If so, what is (are) the name of the material(s)?

9. Has any identification number and/or material been assigned to the ''wrong'' guide? If so, please identify the material and the guide, recommend the correct guide, and state why you believe it should be used.

10. Are the recommendations and responses on each guide appropriate for the material assigned to the guide?

11. Have emergency responders experienced difficulty with legibility of ERG2004's print style, format, or durability?

12. Have emergency response agencies experienced difficulty in obtaining copies of ERG2004 for their vehicles?

13. In addition to the Table of Placards, Rail Car Identification Chart, and Road Trailer Identification Chart, should other pictorial information be included?

14. Are the Table of Placards, Rail Car Identification Chart, and Road Trailer Identification Chart accurate, useful, and easy to use? If not, how could they be improved?

15. Are the terms listed in the Glossary defined satisfactorily?

16. Should additional terms be added to the Glossary?

C. Questions Regarding the Emergency Response Telephone Numbers Listed in the ERG2004

17. Have you received inaccurate information from any of the numbers listed in the ERG2004? If so, from which company(s)? What was wrong with the information provided? Was this a one-time occurrence? If not, how many times did this occur?

18. Have non-government emergency response telephone number providers delivered adequate information to assist first responders during emergencies? Please provide examples.

19. Should non-government emergency response telephone number providers be audited to assure their capacity to provide adequate and accurate information to first responders?

20. Are there other companies you have used that you consider reliable and would like included in the ERG2008? Who are they and why?

21. When requesting emergency assistance was the response timely? What do you consider a timely response? In your opinion, what company(s) did not meet this requirement? How many times did this occur?

22. When calling one of the Emergency Response Telephone Numbers listed in the ERG2004, have you experienced any problems, such as a busy phone line, being disconnected during call, or no response at all?

23. Do you have any additional comments regarding the quality of service and information received from any of the companies listed in the ERG2004 that provide Emergency Response information?

24. Should non-government emergency response telephone numbers continue to be listed in the ERG2008?

25. To be listed in the ERG2008, should non-government emergency response telephone number providers meet specific and verifiable criteria? If yes, please provide examples.

27. If a non-government emergency response telephone number provider does business under several names, should the provider be limited to one listing in the ERG2008?

Any supporting data and analyses provided will enhance the value of the comments submitted and is appreciated.

Issued in Washington, DC, on June 12, 2006, under authority delegated in 49 CFR part 106.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. E6–11395 Filed 7–18–06; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34883]

Portland and Western Railroad, Inc.—Trackage Rights Exemption—Union Pacific Railroad Company

BNSF Railway Company has agreed to assign overhead trackage rights to the Portland and Western Railroad, Inc. (PNWR), over: (1) The rail line owned by Union Pacific Railroad Company (UP) between East Portland, OR, in the vicinity of Milepost 770.3 and Labish, OR, in the vicinity of Milepost 720.9, a distance of approximately 49.4 miles (Joint Trackage); (2) the rail line owned by Portland Terminal Railroad Company (PTR) between PTR Milepost 0.0 and BNSF Mileposts 0.69 and 0.91 in Portland, OR; and (3) the railroad portion of UP's Willamette River Bridge in Portland.

The transaction was scheduled to be consummated on or after July 6, 2006, the effective date of the exemption.[1]

The purpose of the trackage rights is to allow PNWR the right to serve as BNSF's agent over the Joint Trackage, including the right to access the Joint Trackage via PTR's rail line and UP's Willamette River Bridge.

As a condition to this exemption, any employees affected by 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 it 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. 34883, 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: Sidney L. Strickland Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

Board decisions and notices are available on its Web site at *http://www.stb.dot.gov.*

Decided: July 13, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 06–6353 Filed 7–18–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub-No. 671X)]

CSX Transportation, Inc.—Abandonment Exemption—in Logan County, WV

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.4-mile line of railroad on its Southern Region, Huntington Division—East, Logan and Southern Subdivision, extending from milepost CME 10.0 at Stirrat to milepost CME 11.4 at the end of the line at Sarah Ann, in Logan County, WV. The line traverses United States Postal Service Zip Code 25644.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 18, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 31, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 8, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Steven C. Armbrust, Esq., CSX Transportation, Inc., 500 Water Street, J–150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report and a historic report which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by July 24, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority

[1] A decision served on July 13, 2006, denied a petition to stay the operation of the notice of exemption filed by John D. Fitzgerald, for and on behalf of the United Transportation Union-General Committee of Adjustment.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which was increased to $1,300 effective on April 19, 2006. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).

granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by July 19, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: July 12, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–11348 Filed 7–18–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 11, 2006.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 18, 2006 to be assured of consideration.

Federal Consulting Group

OMB Number: 1505–0146.

Type of Review: Extension.

Title: Survey of U.S. Ownership of Foreign Securities.

Description: The survey will collect information on U.S. holdings of foreign securities. The information will be used in the computation of the U.S. balance of payments accounts and international investment positions, as well as in the formulation of U.S. financial and monetary policies. This survey is also part of an international effort coordinated by the IMF to improve worldwide balance of payments statistics. Respondents are primarily the largest banks, securities, dealers, and investors.

Respondents: Business or other-for-profit; Not-for-profit institutions.

Estimated Total Reporting Burden: 40,740 hours.

Clearance Officer: Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex-2nd Floor, Washington, DC 20220, (202) 622–2500.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395–7316.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E6–11392 Filed 7–18–06; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Small Business/Self Employed—Taxpayer Burden Reduction Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Small Business/Self Employed—Taxpayer Burden Reduction Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The TAP will be discussing issues pertaining to increasing compliance and lessening the burden for Small Business/Self Employed individuals.

DATES: The meeting will be held Tuesday, August 1, 2006.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–488–3557.

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 Small Business/Self Employed—Taxpayer Burden Reduction Committee of the Taxpayer Advocacy Panel will be held Tuesday, August 1, 2006 from 3:30 p.m. ET to 4:30 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 718–488–3557, or write to Marisa Knispel, TAP Office, 10 Metro Tech Center, 625 Fulton Street, Brooklyn, NY 11201. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Marisa Knispel. Ms. Knispel can be reached at 1–888–912–1227 or 718–488–3557, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: July 13, 2006.

Ava B. Turner,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 06–6286 Filed 7–14–06; 9:03 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 8, 2006, at 9:30 a.m. Central Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 231–2360.

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 a meeting of the Area 5 Taxpayer Advocacy Panel will be held Tuesday, August 8, 2006, at 9:30 a.m. Central Time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *www.improveirs.org.* This meeting is not required to be open to the public, but because we are always interested in community input, we will accept public comments. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 231–2360 for additional information.

The agenda will include the following: Various IRS issues.

Dated: July 13, 2006.

Ava B. Turner,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 06–6287 Filed 7–18–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Alteration to an existing Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the IRS gives notice of a proposed alteration to Treasury/IRS 26.019, Taxpayer Delinquent Account (TDA) files.

DATES: Comments must be received no later than August 18, 2006. The proposed alteration to this system of records will be effective on August 28, 2006 unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Internal Revenue Service, Attn. Ms. Patricia Ah Yat, 5000 Ellin Road, NCFB C–9–341, New Carrollton, MD 20706. You may contact her at 202–283–2366 to arrange to see the comments.

FOR FURTHER INFORMATION CONTACT: Deborah Gascard Wolf, Director, Filing and Payment Compliance Modernization Office, Internal Revenue Service, 44 South Clinton Avenue, Trenton, NJ 08609–1241. Telephone number 609–278–7732.

SUPPLEMENTARY INFORMATION: Section 881 of The American Jobs Creation Act of 2004 (Pub. L. 108–357) provides that the IRS may use private collection agencies (PCAs) to locate and contact taxpayers with outstanding federal income tax liabilities and to arrange for payment of those taxes.

The IRS is altering Treasury/IRS 26.019, Taxpayer Delinquent Account (TDA) Files system of records notice to provide that certain records will be at PCA locations. This alteration to the TDA Privacy Act notice is related to the establishment of Treasury/IRS 26.055 and is combined with the report of a new Privacy Act system of records concerning Treasury/IRS 26.055.

The proposed IRS alteration of system of records Treasury/IRS 26.019, Taxpayer Delinquent Account (TDA) Files, is published below.

TREASURY/IRS 26.019

SYSTEM NAME:

Taxpayer Delinquent Account (TDA) Files.

SYSTEM LOCATION:

Description of change: Following the parenthetical at the end of the first sentence add the following language:

• ''Records will be kept at private collection agency (PCA) locations. Contact the Manager, F&PC PDC Oversight Unit, at 202–283–2366 (this is not a toll-free number), for PCA names and locations that may change from time to time.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Description of change: Remove the current text and insert the following: ''5 U.S.C. 301 and 26 U.S.C. 7801; and 881 of the American Jobs Creation Act of 2004 (Pub. L. 108–357).''

* * * * *

Dated: July 13, 2006.

Sandra L. Pack,

Assistant Secretary for Management and Chief Financial Officer.

[FR Doc. E6–11399 Filed 7–18–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed New System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the IRS gives notice of a proposed new system of records, Private Collection Agency (PCA) Quality Review Records.

DATES: Comments must be received no later than August 18, 2006. The proposed new system of records will be effective on August 28, 2006 unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Internal Revenue Service, Attn. Ms. Patricia Ah Yat, 5000 Ellin Road, NCFB C–9–341, New Carrollton, MD 20706. You may contact her at 202–283–2366 to arrange to see the comments.

FOR FURTHER INFORMATION CONTACT: Deborah Gascard Wolf, Director, Filing and Payment Compliance Modernization Office, Internal Revenue Service, 44 South Clinton Avenue, Trenton, NJ 08609–1241. Telephone number 609–278–7732.

SUPPLEMENTARY INFORMATION: Section 881 of The American Jobs Creation Act of 2004 (Pub.L. 108–357) provides that the IRS may use private collection agencies (PCAs) to locate and contact taxpayers with outstanding federal income tax liabilities and to arrange for payment of those taxes.

This new system of records maintains quality review records, as a result of IRS monitoring of PCA employees' performance under contracts awarded by the IRS to PCAs, in order to protect taxpayers' rights and to ensure that taxpayers are treated courteously and fairly. It is designed to permit the IRS to review the overall performance of the PCAs and their employees. Monitoring may include recording of conversations between taxpayers and PCAs.

The Jobs Creation Act bars PCA employees from performing services under a qualified tax collection contract as defined in section 6306(b) of the Act if they violate taxpayer rights by creating an act or omission described under subsection (b) of the Act. Subsection (b) prohibits each person providing PCA services from committing any act or omission that employees of the Internal Revenue Service are prohibited from committing in the performance of similar services. In addition to maintaining records on each of the PCAs performing under contract, the IRS must also be able to track information as to each of the PCAs' employees performing collection activities under the contract in order to enforce this provision of the Jobs Creation Act. This system of records will enable IRS to track PCA employees who have been barred from performing qualified PCA activities to ensure they cannot avoid IRS scrutiny by changing companies and working in violation of the statute.

Internal Revenue Code (IRC) 6103 governs the disclosure of tax return and return information. IRC 6103 provides the general rule that tax returns and return information are confidential and cannot be disclosed except as provided by the Internal Revenue Code.

Tax return and return information about taxpayers whose accounts are assigned to PCAs may only be used to collect on the tax debt. IRC 6103(n) authorizes the disclosure of returns and return information under a contractual provision of certain services for tax administration purposes. Treas. Reg. 301.6103(n)–1T more particularly describes the limitations on the use of the tax information by contractors and their employees. It would not permit the usage of tax returns or return information for any personnel actions taken by the PCAs in the event the IRS identifies any PCA employees who may have violated IRC 6306(b).

This system of records will also contain records used to administer PCA quality controls and performance, including records of allegations of PCA employee misconduct and records used to make a final determination whether a PCA employee has committed an act or omission described in IRC 6306(b) that makes the individual ineligible to perform services under the PDC contract. The IRS may record telephone conversations between PCAs and taxpayers to evaluate PCA employee performance or investigate taxpayer complaints.

The report of an new system of records, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000.

In addition, an existing system of records, Treasury/IRS 26.019, Taxpayer Delinquent Account (TDA) Files, will be altered to indicate that certain TDA records will be at PCA locations. The alteration will be published separately in the **Federal Register**.

The proposed IRS new system of records, Treasury/IRS 26.055—Private Collection Agency (PCA) Quality Review Records, is published in its entirety below.

Dated: July 13, 2006.

Sandra L. Pack,

Assistant Secretary for Management and Chief Financial Officer.

TREASURY/IRS 26.055

SYSTEM NAME:

Private Collection Agency (PCA) Quality Review Records.

SYSTEM LOCATION:

New Carrollton Federal Building, 5000 Ellin Rd, Lanham MD 20706 and at contracted PCA locations. Contact the Manager, F&PC PDC Oversight Unit, at 202–283–2366 (this is not a toll-free number), for PCA names and locations which may change from time to time.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system includes information about the PCAs (to the extent they are individuals) and employees of PCAs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes quality review and PCA employee performance records used to administer private debt collection; records of allegations of PCA employee misconduct, including records of investigations and actions by PCAs and IRS in response to allegations or complaints against PCA employees; records used to make a final determination of whether a PCA employee has committed an act or omission described in Internal Revenue Code (IRC) 6306(b) that makes the individual ineligible to perform services under the PCA contract; and a log of complaints detailing IRS and PCA investigations and actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801; and 881 of the American Jobs Creation Act of 2004 (Pub. L. 108–357).

PURPOSE:

To administer, evaluate and improve PCAs' service and performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Disclosure of return and return information may be made only as provided by IRC 6103. All other records may be used as described below if the IRS deems that the purpose of the disclosure is compatible with the purpose for which IRS collected the records, and no privilege is asserted.

(1) Disclose information during a proceeding before a court, administrative tribunal, or other adjudicative body when: (a) The IRS or any component thereof, (b) any IRS employee in his or her official capacity, (c) any IRS employee in his or her personal capacity where the IRS or the Department of Justice (DOJ) has agreed to provide representation for the employee, or (d) the United States is a party to, has an interest in, or is likely to be affected by, such proceeding, and the IRS (or its counsel in DOJ) determines that the information is relevant and necessary to the proceeding. Information may be disclosed to the neutral person to resolve issues of relevancy, necessity, or privilege pertaining to the information.

(2) Disclose information to DOJ when seeking legal advice or for use in any proceeding, or in preparation for any proceeding, when: (a) The IRS or any component thereof, (b) any IRS employee in his or her official capacity, (c) any IRS employee in his or her individual capacity under circumstances in which the IRS or DOJ has agreed to provide representation for the employee, or (d) the United States government is a party to the proceeding or has an interest in such proceeding, and the IRS determines that the records are both relevant and necessary to the proceeding or advice sought.

(3) Disclose to a contractor, including an expert witness or consultant, hired by the IRS to the extent necessary for the performance of a contract.

(4) Disclose to an appropriate Federal, State, local, tribal, or foreign agency, or other public authority, the fact that this system contains information relevant to letting a contract, retaining an employee, or issuing or continuing a security clearance, license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record(s) if it so chooses.

(5) Disclose information to an appropriate Federal, State, local, tribal, or foreign agency, or other public authority, responsible for implementing or enforcing, or for investigating or prosecuting the violation of, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law or regulation and the information disclosed is relevant to any regulatory, enforcement, investigative, or prosecutorial responsibility of the receiving authority.

(6) Disclose information to an arbitrator, mediator, or other neutral person, and to the parties, in the context of alternative dispute resolution, to the extent relevant and necessary for the resolution of the matters presented to permit the arbitrator, mediator, or similar person to resolve the matters presented, including asserted privileges.

(7) To disclose information to a former employee of the IRS or a PCA to the extent necessary for official purposes when the IRS requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(8) To disclose information to professional organizations or associations with which individuals covered by this system of records may be affiliated, such as state bar disciplinary authorities, to meet their responsibilities in connection with tax administration and maintenance of standards of conduct and discipline.

(9) To disclose information to the news media as described in IRS Policy Statement P–1–183, News Coverage to Advance Deterrent Value of Enforcement Activities Encouraged, IRM 1.2.1.2.41.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

Records may be retrieved by individual name or Taxpayer Identification Number (TIN) (e.g., Social Security Number (SSN) or Employer Identification Number (EIN)), or by PCA names (to the extent they are individuals) and PCA employee name and/or identifying number.

SAFEGUARDS:

Access controls are not less than those published in IRM 25.10, Information Technology (IT) Security Policy and Standards, and IRM 1.16, Physical Security Program.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM 1.15, Records Management.

SYSTEM MANAGER(S) AND ADDRESS:

Commissioner, Small Business/Self-Employed Business Operating Division, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Record Access Procedures'' below. The IRS may assert 5 U.S.C. 552a(d)(5) as appropriate.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. IRC 7852(e) prohibits Privacy Act amendment of tax records. Inquiries should be addressed to the Disclosure Officer listed in appendix A serving the requester. The IRS may assert 5 U.S.C. 552a(d)(5) as appropriate.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives and PCAs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E6–11400 Filed 7–18–06; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 71, No. 138

Wednesday, July 19, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD–2006–OS–0073]

Base Closure and Realignment

Corrections

In notice document 06–6078 beginning on page 38865 in the issue of Monday, July 10, 2006, make the following corrections:

1. On page 38865, in the second column, in the last line, ''(334) 727-833'' should read ''(334) 727-3833''.

2. On the same page, in the third column, under the heading *Pennsylvania*, in the first line, ''Wilkes-Varre'' should read ''Wilkes-Barre''.

[FR Doc. C6–6078 Filed 7–18–06; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Request Revision from the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Type Certification Procedures for Changed Products

Correction

In notice document 06–5749 appearing on page 36868 in the issue of Wednesday, June 28, 2006, make the following correction:

In the second column, under the heading *Abstract*, in the fifth line, ''Collection'' should read ''Certificates''.

[FR Doc. C6–5749 Filed 7–18–06; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
July 19, 2006

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Great Lakes Cooperative Institute; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 060630184–6184–01]

Great Lakes Cooperative Institute

AGENCY: Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of availability of funds.

SUMMARY: The Office of Oceanic and Atmospheric Research (OAR) invites applications for the establishment of a Great Lakes (GL) Cooperative Institute (CI). The Great Lakes are one of the Nation's most important aquatic resources from an economic, geographic, international, ecological, and societal perspective. U.S. support for Great Lakes activities is described in Executive Order 13340. Activities associated with the proposed Cooperative Institute will provide the necessary capabilities to complement NOAA's current and planned activities in the region in support of the 5-year Research Plan and the 20-year Research Vision. The CI will be regional in scope and will consist of a group of research institutions with expertise and capabilities in the NOAA priority areas. This institute will facilitate a long-term collaborative environment between NOAA and the recipients within which broad-based research, prototype development, and education and outreach capabilities that focus on the priorities in the Great Lakes region can be developed and sustained.

DATES: Proposals must be received by the OAR no later than 5 p.m., E.T., September 18, 2006. Proposals submitted after that date will not be considered.

ADDRESSES: Applicants are strongly encouraged to apply online through the Grants.gov Web site (*http://www.grants.gov*) but paper submissions are acceptable if Internet access is not available. If a hard copy application is submitted, the original and two unbound copies of the proposal should be included. Paper submissions should be sent to: NOAA, OAR, 1315 East West Highway, Room 11152, Silver Spring, Md. 20910 Attn: Dr. John Cortinas. No e-mail or facsimile proposal submissions will be accepted. The complete Federal funding opportunity announcement associated with this notice can be found at the Grants.gov Web site, *http://www.grants.gov*, and the NOAA Web site at *http://www.nrc.noaa.gov/ci.*

FOR FURTHER INFORMATION CONTACT: For a copy of the Federal funding opportunity announcement and/or application kit, access it at Grants.gov, via NOAA's Web site, or by contacting Dr. John Cortinas, 1315 East West Highway, Room 11152, Silver Spring, Md. 20910 telephone 301–713–9397 x 206. Facsimile: (301) 713–3515; e-mail: *John.Cortinas@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

A CI is a NOAA-supported, non-federal organization that has established an outstanding research program in one or more areas that are relevant to the NOAA mission. CIs are established at research institutions that also have a strong education program with established graduate degree programs in NOAA-related sciences. The CI provides significant coordination of resources among all non-government partners and promotes the involvement of students and postdoctoral scientists in NOAA-funded research. The CI provides mutual benefits with value provided by all parties.

NOAA has identified the need to establish a CI to focus on scientific research associated with the Great Lakes region in support of NOAA's Strategic Plan, NOAA's 5-year Research Plan, and NOAA's 20-year Research Vision and a recent regional collaboration strategy in the Great Lakes, as ordered by Executive Order (EO) 13340. The EO has identified eight areas that must be addressed to restore and maintain the Great Lakes: Aquatic Invasions, Habitat/Species, Coastal Health, Sediments, Non-Point Sources, Toxic Pollutants, Indicators, and Sustainable Development. As a partner in the Great Lakes Regional Collaboration, the CI will also collaborate with NOAA to conduct research that will enable NOAA to develop tools, support the Great Lakes Observing System, and to assist in the protection and restoration of the Great Lakes.

The scope of NOAA's work in the Great Lakes exceeds that of the regional collaboration. NOAA has many congressional mandates [1] that include issues such as impacts of climate change on Great Lakes ecosystems, protection of underwater cultural resources at NOAA's Thunder Bay National Marine Sanctuary, and providing information to assist in marine transportation such as forecasts of weather and sea conditions, navigational charting products, and water level information. Although NOAA's mission requires delivery of high quality products and services to the coastal community, the permanent Federal resources to conduct research that supports these activities are limited both in number of Federal personnel and the breadth and depth of disciplines available to address the complex problems facing the Great Lakes. A CI, which has access to the intellectual resources of universities in the Great Lakes' basin, is essential to fulfill NOAA's research needs in meeting its complex Great Lakes mission.

Electronic Access: Applicants can access, download, and submit electronic grant applications, including the full funding opportunity announcement, for NOAA programs at the Grants.gov Web site: *http://www.grants.gov.* The closing date will be the same as for the paper submissions noted in this announcement. For applicants filing through Grants.gov, NOAA strongly recommends that you do not wait until the application deadline date to begin the application process through Grants.gov. Registration may take up to 10 business days. More details on how to apply are provided in the NOAA June 30, 2005 **Federal Register** Notice on ''Availability of Grant Funds for Fiscal Year 2006'', which can be found at: *http://www.Grants.gov* or *http://www.ago.noaa.gov/grants/funding.shtml.*

Proposals submitted to the NOAA Cooperative Institute Program must include elements requested in the full Federal Funding Opportunity announcement on the grants.gov portal. Proposals, electronic or paper, should be no more than 75 pages (numbered) in length, excluding budget, investigators vitae, and all appendices. Federally mandated forms are not included within the page count. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

Funding Availability: NOAA expects that approximately $1–3M will be available for the CI in the first year of the award. Of this amount, at least $110,000 will be available for annual Task I base funding. Funding for subsequent years is expected to be constant throughout the period, depending on the quality of the research, the satisfactory progress in achieving the stated goals described in the proposal, continued relevance to program objectives, and the availability of funding.

[1] 33 U.S.C. 1268, 16 U.S.C. 1447b, 15 U.S.C. 1511, 16 U.S.C. 4741, 16 U.S.C. 4722, 16 U.S.C. 760e, 42 U.S.C. 7412, 15 U.S.C. 1525, 15 U.S.C. 1540, 15 U.S.C. 2901, 33 U.S.C. 2326b, 33 U.S.C. 2706, 42 U.S.C. 9607, 16 U.S.C. 1451 note, Great Lakes Water Quality Agreement of 1978—amended 1987, EO 13340, U.S. Ocean Action Plan and EO 13366.

Authorities: 15 U.S.C. 313, 15 U.S.C. 1540; 15 U.S.C. 2901 et. seq., 16 U.S.C. 753a, 33 U.S.C. 883d, 33 U.S.C. 1442, 49 U.S.C. 44720 (b), 118 Stat. 71 (January 23, 2004).

Catalog of Federal Domestic Assistance: 11.432, Office of Oceanic and Atmospheric Research (OAR) Joint and Cooperative Institutes.

Eligibility: Eligibility is limited to non-federal public and private non-profit universities, colleges and research institutions that offer accredited graduate level degree-granting programs in NOAA-related sciences.

Cost Sharing Requirements: To stress the collaborative nature and investment of a CI by both NOAA and the research institution, cost sharing is required. There is no minimum cost sharing requirement, however, the amount of cost sharing will be considered when determining the level of CI commitment under NOAA's standard evaluation criteria for overall qualification of applicants. Acceptable cost-sharing proposals include, but are not limited to, offering a reduced indirect cost rate against activities in one or more Tasks, waiver of indirect costs assessed against base funds and/or Task I activities, waiver or reduction of any costs associated with the use of facilities at the CI, and full or partial salary funding for the CI director, administrative staff, graduate students, visiting scientists, or postdoctoral scientists.

Intergovernmental Review: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Evaluation Criteria and Review and Selection Procedures: NOAA's standard evaluation criteria and the review and selection procedures contained in NOAA's June 30, 2005, omnibus notice are applicable to this solicitation and are as follows:

A. Evaluation Criteria for Projects

Proposals will be evaluated using the standard NOAA evaluation criteria. Various questions under each criterion are included to ensure that the applicant includes information that NOAA will consider important during the evaluation, in addition to any other information provided by the applicant.

1. *Importance and/or relevance and applicability of proposed project to the program goals (25 percent):* This ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, Federal, regional, State, or local activities.

- Does the proposal include research goals and projects that address the critical issues identified in NOAA's 5-year Research Plan, NOAA's Strategic Plan, and the priorities described in the federal funding opportunity announcement published at *http://www.grants.gov*?
- Is there a demonstrated commitment (in terms of resources and facilities) to enhance existing NOAA and CI resources to foster a long-term collaborative research environment/culture?
- Is there a strong education program with established graduate degree programs in NOAA-related sciences that also encourage student participation in NOAA-related research studies?
- Will most of the staff at the CI be located near a NOAA facility, particularly the Great Lakes Environmental Research Laboratory in Ann Arbor, Michigan, to enhance collaborations with NOAA?

2. *Technical/scientific merit (30 percent):* This assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives.

- Does the project description include a summary of clearly stated goals to be achieved during the five-year period that reflect NOAA's strategic plan and goals?
- Does the CI involve partnerships with other universities or research institutions, including Minority Serving Institutions and universities with strong departments that can contribute to the proposed activities of the CI?

3. *Overall qualifications of applicants (30 percent):* This ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project.

- If the institution(s) and/or principal investigators have received current or recent NOAA funding, is there a demonstrated record of outstanding performance working with NOAA scientists on research projects?
- Is there internationally recognized expertise within the appropriate disciplines needed to conduct the collaborative/interdisciplinary research described in the proposal?
- Is there a well-developed business plan that includes fiscal and human resource management as well as strategic planning and accountability?
- Are there any unique capabilities in a mission-critical area of research for NOAA?
- Has the applicant shown a substantial investment to the NOAA partnership, as demonstrated by the amount of the cost sharing contribution?

4. *Project costs (5 percent):* The budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame.

5. *Outreach and education (10 percent):* NOAA assesses whether this project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources.

B. Review and Selection Process

An initial administrative review/screening is conducted to determine compliance with requirements/completeness. All proposals will be evaluated and individually ranked in accordance with the assigned weights of the above evaluation criteria by an independent peer panel review. At least three experts, who may be Federal or non-Federal, will be used in this process. If non-Federal experts participate in the review process, each expert will submit an individual review and there will be no consensus opinion. The merit reviewers' ratings are used to produce a rank order of the proposals. The Selection Official selects proposals after considering the peer panel reviews and selection factors listed below. In making the final selections, the Selecting Official will award in rank order unless the proposal is justified to be selected out of rank order based upon one or more of the selection factors.

C. Selection Factors

The merit review ratings shall provide a rank order to the Selecting Official for final funding recommendations. The Selecting Official shall award in the rank order unless the proposal is justified to be selected out of rank order based upon one or more of the following factors:

1. Availability of funding.
2. Balance/distribution of funds:
   a. Geographically.
   b. By type of institutions.
   c. By type of partners.
   d. By research areas.
   e. By project types.
3. Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies.
4. Program priorities and policy factors.
5. Applicant's prior award performance.
6. Partnerships and/or participation of targeted groups.
7. Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to the Grants Officer.

Applicants must comply with all requirements contained in the full

funding opportunity announcements for each project competition in this announcement.

Universal Identifier: Applicants should be aware that they are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002 **Federal Register**, Vol. 67, No. 210, pp. 66177–66178 for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711 or via the Internet (*http://www.dunandbradstreet.com*).

National Environmental Policy Act (NEPA): NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA Federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at NOAA's NEPA Web site, *http://www.nepa.noaa.gov/,* and the Council on Environmental Quality implementation regulations, *http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm.*

Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (*e.g.*, the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2004 (69 FR 78389) are applicable to this solicitation.

Limitation of Liability: Funding for years 2–5 of the Cooperative Institute is contingent upon the availability of appropriated funds. In no event will NOAA or the Department of Commerce be responsible for application preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

Paperwork Reduction Act: This notification involves collection of information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, and SF–LLL and CD–346 has been approved by the Office of Management and Budget (OMB) respectively under control numbers 0348–0043, 0348–0044, 0348–0040, and 0348–0046 and 0605–0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866: It has been determined that this notice is not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act: Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, grants, benefits, and contracts (5 U.S.C. 553(a)(2)).

Because notice and opportunity for comments are not required pursuant to U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and none has been prepared.

Mark Brown,

Chief Financial Officer, OAR, National Oceanic and Atmospheric Administration.

[FR Doc. 06–6266 Filed 7–17–06; 8:45 am]

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Federal Register

Wednesday,
July 19, 2006

Part III

Department of Education

34 CFR Part 300
National Instructional Materials Accessibility Standard; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 300

RIN 1820–AB56

National Instructional Materials Accessibility Standard

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education establishes the National Instructional Materials Accessibility Standard (NIMAS or standard) as required under sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004 (Act). The purpose of the NIMAS is to help increase the availability and timely delivery of print instructional materials in accessible formats to blind or other persons with print disabilities in elementary schools and secondary schools. The Secretary establishes the NIMAS by amending the regulations governing the Assistance to States for Education of Children with Disabilities Program in 34 CFR part 300 to include an appendix that sets forth the technical elements and specifications for the standard.

DATES: These regulations and the standard are effective August 18, 2006.

FOR FURTHER INFORMATION CONTACT: Alexa Posny, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 4109, Washington, DC 20202–2641. Telephone: (202) 245–7597.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay System (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Section 674(e)(3)(B) of the Act defines the NIMAS as the standard established by the Secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats. On June 29, 2005, we published a notice of proposed rulemaking (NPRM) in the **Federal Register** (70 FR 37302) to establish the standard and to include it as an appendix to 34 CFR part 300. A description of the proposed standard can be found on pages 37302 through 37303 of the NPRM and the text of the proposed NIMAS can be found on pages 37304 through 37306 of the NPRM.

On June 21, 2005, the Department published a notice of proposed rulemaking in the **Federal Register** (IDEA NPRM) to amend 34 CFR part 300 to implement other recently enacted changes made to the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004 (70 FR 35782). The Department intended to codify the final NIMAS as an appendix to the amended regulations in 34 CFR part 300. However, in an attempt to expedite the implementation of the NIMAS, the Department establishes the NIMAS through these final regulations and codifies the NIMAS as an appendix to the current regulations in 34 CFR part 300. The Department plans to re-publish the NIMAS as an appendix to the amended regulations in 34 CFR part 300 when it publishes final regulations in response to the IDEA NPRM.

In the preamble to the NPRM, the Secretary discussed the need for the NIMAS and the efforts of the Department that supported the establishment of the NIMAS. Specifically, the Secretary addressed the national need to increase the availability and timely delivery of print instructional materials in accessible formats to blind or other students with print disabilities in elementary and secondary schools. The Secretary also described the inception of the NIMAS, which was developed by the National File Format Technical Panel (NFF Technical Panel), a panel convened by the Department-funded National Center on Accessing the General Curriculum. The NFF Technical Panel developed the NIMAS as a standard for digital source files that can be used to accurately and reliably produce instructional materials in a variety of alternate formats using the same source file.

Changes in the NIMAS

As more fully explained in the *Analysis of Comments and Changes* section of this notice, the final standard contains a few changes from the standard proposed in the NPRM. Most significantly, the NIMAS Development and Technical Assistance Centers funded by the Department noted that inadvertent errors were made in the technical standards of the NIMAS when the NIMAS was posted on the NIMAS Web site at *http://nimas.cast.org/about/technical/index.html* and published in the NPRM on June 29, 2005. At the request of the Department, the NIMAS Development and Technical Assistance Centers reported these errors and submitted their proposed corrections and updates to the Department through the formal public comment process established in the NPRM. The NIMAS Development and Technical Assistance Centers also posted their proposed corrections, additions, and deletions on the NIMAS Web site at *http://nimas.cast.org/about/proposal/changes.html.*

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 17 parties, including the Department-funded NIMAS Development and Technical Assistance Centers, submitted comments on the NIMAS. An analysis of the comments and of the changes in the standard since publication of the NPRM follows.

The analysis generally does not address minor changes, including the specific technical changes made to the language published in the NPRM or comments that express concerns of a general nature about the Department or other matters that are not directly relevant to the technical specifications of the NIMAS.

Comment: The NIMAS Development and Technical Assistance Centers funded by the Department noted that inadvertent technical errors were made in the version of the NIMAS that was published by the Department in the NPRM and posted on the NIMAS Web site at *http://nimas.cast.org/about/technical/index.html.* The centers provided the Department with proposed updates to correct these technical errors. The centers also posted their proposed updates on the NIMAS Web site at *http://nimas.cast.org/about/proposal/changes.html.*

A significant number (16 of 17) of commenters expressed support for the NIMAS. Of these commenters, nine commenters expressed support and approval of the updates to the NIMAS that were proposed by the NIMAS Development and Technical Assistance Centers, approved by the NIMAS Development Center's Technical Group, and posted on the NIMAS Web site. No negative comments were received regarding the updates. One commenter stated that errors occurred during a file conversion using the NIMAS and that corrections are needed in order to ensure that the NIMAS results in valid files. The commenter recommended that the NIMAS Development and Technical Assistance Centers' proposed corrections become part of the NIMAS.

Discussion: We agree that the version of the NIMAS that was posted on the NIMAS Web site and published in the

NPRM contained technical errors. We believe that the updates proposed by the NIMAS Development and Technical Assistance Centers should be made to the NIMAS in order to correct these errors.

Changes: We have revised the NIMAS to incorporate the corrections, deletions, and additions proposed by the NIMAS Development and Technical Assistance Centers and posted on the NIMAS Web site.

Comment: Many commenters recommended continual maintenance and improvement of the NIMAS. These commenters suggested that the Department establish a method for updating the NIMAS so that it will remain current with technological advances and be consistent with the ANSI/NISO Z39.86 standard [renamed DAISY/NISO Z39.86 2005 as of April 2005]. One commenter suggested that the Department accept new reports from the NIMAS Development Center's Technical Group at regular intervals so that the standard will continue to expand to meet the needs of students with disabilities. One commenter recommended requiring that the NIMAS be updated at least every three years to ensure that it reflects improvements in technology and best industry practice. One commenter expressed concern that the technical specifications of the NIMAS are a minimum set of requirements and that, over time, the bar should be raised through proposed changes or additions to the NIMAS.

Discussion: The Department's Office of Special Education Programs (OSEP) funded the NIMAS Development Center in fiscal year (FY) 2004. One of the main responsibilities of the NIMAS Development Center is to engage in an ongoing process to ensure that the NIMAS is maintained and remains current with technological advances, and is aligned and consistent with the DAISY/NISO Z39.86 standard. When technological advances suggest the need for a new version of the NIMAS, the NIMAS Development Center, with the concurrence of its Technical Group, will submit recommendations for revised NIMAS specifications to the Department. The NIMAS Development Center is required to report on the need for changes at least once at the end of its 5-year project period, but may make recommendations regarding revisions more often, if it deems necessary. The Department will propose any revisions to the NIMAS and seek public comment on the proposed changes through a notice of proposed rulemaking published in the **Federal Register**.

OSEP also funded the NIMAS Technical Assistance (TA) Center in FY 2004. After the NIMAS has been adopted by State educational agencies (SEAs) and local educational agencies (LEAs) (coordinating agencies), the NIMAS TA Center will maintain an errata Web page for use by publishers, coordinating agencies, and other entities. The errata Web page will be available at *http://nimas.cast.org* and will contain notifications of errors and omissions in the NIMAS that are detected through the implementation process.

Changes: None.

Comment: A few commenters stated that NIMAS PDF file requirements for images need better definition.

Discussion: The NIMAS Development Center, through its Technical Group, has had extensive discussions on the issue of NIMAS PDF file requirements since the publication of the NIMAS in the NPRM on June 29, 2005. The Technical Group members agreed that PDF file requirements in the NIMAS were in need of greater clarification due, in part, to current limitations of transcription and conversion practices, hardware, and software. As a result, the Technical Group's recommendations on changes in the baseline elements related to PDF image files have been added into the NIMAS and are also publicly available on the NIMAS Web site at *http://nimas.cast.org*.

Changes: We have revised the NIMAS to clarify the requirements for PDF image files, as recommended by the NIMAS Development Center's Technical Group and posted on the NIMAS Web site.

Comment: One commenter expressed concern that the standard does not include a statement of the metadata that needs to be included in the package file.

Discussion: The metadata elements are defined in the NIMAS package file section. We agree that certain metadata elements may need to be clarified. However, we believe that it would be premature to attempt to clarify the metadata elements without first evaluating how they are implemented in practice. Accordingly, the NIMAS Development Center and its Technical Group will determine whether the metadata elements require clarification after the NIMAS is adopted and actually used, and then will provide technical assistance, as necessary, to clarify those metadata elements on the NIMAS Web site at *http://nimas.cast.org/*. To the extent the NIMAS Development Center and its Technical Group determine that changes should be made to the metadata requirements in the NIMAS itself, they will submit their recommendations to the Department. The Department will then propose any revisions to the NIMAS and seek public comment on the proposed changes through a notice of proposed rulemaking published in the **Federal Register**.

Changes: None.

Comment: Two commenters expressed concern that there is nothing preventing publishers from preparing NIMAS files that contain only partial books, rather than entire books. They stated that NIMAS files will not be helpful if publishers omit important information. Accordingly, they recommended that the Department establish standards requiring publishers to use the NIMAS to convert entire books.

Discussion: The purpose of the NIMAS is to provide access to print instructional materials in a timely manner. Delivery of partial books would unduly delay the delivery of instructional materials in specialized formats in a timely manner and would be contrary to the intent of the Act. Accordingly, SEA and LEA contracts with publishers should clearly specify that entire books must be converted into NIMAS files. In addition, we expect that the procedures established by the National Instructional Materials Access Center (NIMAC) will specify that publishers must use NIMAS to convert entire books (and not partial books) into NIMAS files. The Department expects to make NIMAC procedures available on the NIMAC Web site at *http://www.nimac.us*.

Changes: None.

Comment: Two commenters expressed concern that optional elements are not mandatory in the NIMAS. These commenters recommended that the NIMAS should require the full DAISY markup, that is, both baseline and optional elements.

Discussion: Although the NFF Technical Panel's report, which is available on the NIMAS Web site at *http://nimas.cast.org/*, encouraged publishers to use both baseline and optional elements, only baseline elements are required in the NIMAS. The NFF Technical Panel reported that requiring both baseline and optional elements would be too costly for publishers. Optional elements are typically added by coordinating agencies and other entities. In any case, SEAs and LEAs contract with publishers for their instructional material needs and can specify whether they need files beyond the baseline elements.

Changes: None.

Comment: Two commenters made recommendations about two elements in the NIMAS. The commenters recommended that the NIMAS tag, which specifies that all pages must be

numbered in a consistent manner, be placed at the beginning of each print page before all print text. The commenters also expressed concern that more information in the present tag set is needed to adequately identify a specific book. The commenters recommended that the NIMAS include a well-defined method of identifying multiple versions of the same book. The two commenters stated that publishers are best suited to make this identification because they produced the textbooks and have access to all versions of the textbooks.

Discussion: The Department views the issues raised by the commenters as relating to the implementation of the NIMAS and not the NIMAS itself. Due to the fact that these issues are the result of limitations in transcription and conversion practices, hardware, and software, the Department believes that these issues are best addressed through technical assistance. Thus, the NIMAS TA Center will provide technical assistance regarding these and other issues. In the case of implementation issues pertaining to Braille transcription, the NIMAS Development and Technical Assistance Centers have already conducted a series of discussions during January 2006 with Braille transcribers, which led to a set of clarifying recommendations on the implementation of NIMAS that will be incorporated into the NIMAS TA Center's Best Practices Web page at *http://nimas.cast.org*.

Changes: None.

Comment: We received a number of comments relating to the adoption and implementation of the NIMAS and the purchase of instructional materials in accessible formats.

Discussion: Requirements regarding the adoption and implementation of the NIMAS and the purchase of instructional materials in accessible formats will be addressed in subparts B and C of the Department's final regulations governing the Assistance to States for Education of Children with Disabilities Program.

Accordingly, the Department will respond to all comments relating to the adoption and implementation of the NIMAS and the purchase of instructional materials in accessible formats in the preamble to the final regulations for 34 CFR part 300 that it issues in response to the IDEA NPRM.

Changes: None.

Executive Order 12866

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with establishing the standard are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits of this regulatory action, we have determined that the benefits justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal government in the exercise or their governmental functions.

Summary of Potential Costs and Benefits

We summarized the potential costs and benefits of establishing the standard in the preamble to the NPRM (70 FR 37303).

Paperwork Reduction Act 1995

The NIMAS does not contain any information collection requirements.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of the document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

(Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects in 34 CFR Part 300

National Instructional Materials Accessibility Standard (NIMAS), Special education, Grant programs—accessible instructional materials, Technology.

Dated: July 13, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

■ For the reasons discussed in the preamble, the Secretary amends part 300 of title 34 of the Code of Federal Regulations as follows:

PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 20 U.S.C. 1411–1420, unless otherwise noted.

■ 2. Part 300 is amended by adding an appendix D to part 300 to read as follows:

Appendix D to Part 300—National Instructional Materials Accessibility Standard (NIMAS)

Under sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, the Secretary of Education establishes the NIMAS. Under section 674(e)(4) of the Act, the NIMAS applies to print instructional materials published after August 18, 2006. The purpose of the NIMAS is to help increase the availability and timely delivery of print instructional materials in accessible formats to blind or other persons with print disabilities in elementary and secondary schools.

Technical Specifications—The Baseline Element Set

The Baseline Element Set details the minimum requirement that must be delivered to fulfill the NIMAS. It is the responsibility of publishers to provide this NIMAS-conformant XML content file, a package file (OPF), a PDF-format copy of the title page (or whichever page(s) contain(s) ISBN and copyright information), and a full set of the content's images. All of the images included within a work must be provided in a folder and placeholders entered in the relevant XML document indicating their location (all images must be included). The preferred image type is SVG, next is either PNG or JPG format. Images should be rendered in the same size/proportion as their originals at 300 dpi. Images should be named with relative path filenames in XML files (example:).

NIMAS-conformant content must be valid to the NIMAS 1.1 [see ANSI/NISO Z39.86 2005 or subsequent revisions]. In addition, files are required to use the tags from the Baseline Element Set when such tags are appropriate. Publishers are encouraged to augment the required Baseline Element Set with tags from the Optional Element Set (elements not included in the Standard) as applicable. For the purposes of NIMAS,

appropriate usage of elements, both baseline and optional, is defined by the DAISY Structure Guidelines. Files that do not follow these guidelines in the selection and application of tags are not conformant to this Standard. Both optional elements and appropriate structure guidelines may be located within Z39.86–2002 and Z39.86–2005 available from *http://www.daisy.org/z3986/*. Use of the most current standard is recommended.

The Baseline Element Set

a. Document-Level Tags

Element	Description
dtbook	The root element in the Digital Talking Book DTD. <dtbook> contains metadata in <head> and the contents itself in <book>.
head	Contains metainformation about the book but no actual content of the book itself, which is placed in <book>.
book	Surrounds the actual content of the document, which is divided into <frontmatter>, <bodymatter>, and <rearmatter>. <head>, which contains metadata, precedes <book>.
meta	Indicates metadata about the book. It is an empty element that may appear repeatedly only in <head>. For the most current usage guidelines, please refer to *http://www.daisy.org/z3986/*.

b. Structure and Hierarchy

Element	Description
frontmatter	Usually contains <doctitle> and <docauthor>, as well as preliminary material that is often enclosed in appropriate <level> or <level1> etc. Content may include a copyright notice, a foreword, an acknowledgements section, a table of contents, etc. <frontmatter> serves as a guide to the content and nature of a <book>.
bodymatter	Consists of the text proper of a book, as contrasted with preliminary material <frontmatter> or supplementary information in rearmatter <rearmatter>.
rearmatter	Contains supplementary material such as appendices, glossaries, bibliographies, and indices. It follows <bodymater> the of the book.
level1	The highest-level container of major divisions of a book. Used in <frontmatter>, <bodymater>, and <rearmatter> to mark the largest divisions of the book (usually parts or chapters), inside which <level2> subdivisions (often sections) may nest. The class attribute identifies the actual name (*e.g.*, part, chapter) of the structure it marks. Contrast with <level>.
level2	Contains subdivisions that nest within <level1> divisions. The class attribute identifies the actual name (*e.g.*, subpart, chapter, subsection) of the structure it marks.
level3	Contains sub-subdivisions that nest within <level2> subdivisions (*e.g.*, sub-subsections within subsections). The class attribute identifies the actual name (*e.g.*, section, subpart, subsubsection) of the subordinate structure it marks.
level4	Contains further subdivisions that nest within <level3> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
level5	Contains further subdivisions that nest within <level4> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
level6	Contains further subdivisions that nest within <level5> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
h1	Contains the text of the heading for a <level1> structure.
h2	Contains the text of the heading for a <level2> structure.
h3	Contains the text of the heading for a <level3> structure.
h4	Contains the text of the heading for a <level4> structure.
h5	Contains the text of the heading for a <level5> structure.
h6	Contains the text of the heading for a <level6> structure. For the most current usage guidelines, please refer to *http://www.daisy.org/z3986/*.

c. Block Elements

Element	Description
author	Identifies the writer of a work other than this one. Contrast with <docauthor>, which identifies the author of this work. <author> typically occurs within <blockquote> and <cite>.
blockquote	Indicates a block of quoted content that is set off from the surrounding text by paragraph breaks. Compare with <q>, which marks short, inline quotations.
list	Contains some form of list, ordered or unordered. The list may have an intermixed heading <hd> (generally only one, possibly with <prodnote>), and an intermixture of list items and <pagenum>. If bullets and outline enumerations are part of the print content, they are expected to prefix those list items in content, rather than be implicitly generated.
li	Marks each list item in a <list>. content may be either inline or block and may include other nested lists. Alternatively it may contain a sequence of list item components, <lic>, that identify regularly occurring content, such as the heading and page number of each entry in a table of contents.
hd	Marks the text of a heading in a <list> or \ <sidebar>.
note	Marks a footnote, endnote, etc. Any local reference to <note id="yyy"> is by <noteref idref="#yyy"">. [Attribute id].
p	Contains a paragraph, which may contain subsidiary <list> or <dl>.

Element	Description
sidebar	Contains information supplementary to the main text and/or narrative flow and is often boxed and printed apart from the main text block on a page. It may have a heading <hd>.
cite	Marks a reference (or citation) to another document.
dd	Marks a definition of the preceding term <dt> within a definition list <dl>. A definition without a preceding <dt> has no semantic interpretation, but is visually presented aligned with other <dd>.
dl	Contains a definition list, usually consisting of pairs of terms <dt> and definitions <dd>. Any definition can contain another definition list.
dt	Marks a term in a definition list <dl> for which a definition <dd> follows.
	For the most current usage guidelines, please refer to *http://www.daisy.org/z3986/.*

d. Inline Elements

Element	Description
em	Indicates emphasis. Usually is rendered in italics. Compare with .
q	Contains a short, inline quotation. Compare with <blockquote>, which marks a longer quotation set off from the surrounding text.
strong	Marks stronger emphasis than . Visually is usually rendered bold.
sub	Indicates a subscript character (printed below a character's normal baseline). Can be used recursively and/or intermixed with <sup>.
sup	Marks a superscript character (printed above a character's normal baseline). Can be used recursively and/or intermixed with <sub>.
br	Marks a forced line break.
line	Marks a single logical line of text. Often used in conjunction with <linenum> in documents with numbered lines. [Use only when line breaks must be preserved to capture meaning (*e.g.*, poems, legal texts).]
linenum	Contains a line number, for example in legal text. [Use only when <line> is used, and only for lines numbered in print book.]
pagenum	Contains one page number as it appears from the print document, usually inserted at the point within the file immediately preceding the first item of content on a new page. [NB: Only valid when it includes an id attribute].
noteref	Marks one or more characters that reference a footnote or endnote <note>. Contrast with <annoref>. <noteref> and <note> are independently skippable.
	For the most current usage guidelines, please refer to *http://www.daisy.org/z3986/.*

e. Tables

Element	Description
table	Contains cells of tabular data arranged in rows and columns. A <table> may have a <caption>. It may have descriptions of the columns in <col>s or groupings of several <col> in <colgroup>. A simple <table> may be made up of just rows <tr>. A long table crossing several pages of the print book should have separate <pagenum> values for each of the pages containing that <table> indicated on the page where it starts. Note the logical order of optional <thead>, optional <tfoot>, then one or more of either <tbody> or just rows <tr>. This order accommodates simple or large, complex tables. The <thead> and <tfoot> information usually helps identify content of the <tbody> rows. For a multiple-page print <table> the <thead> and <tfoot> are repeated on each page, but not redundantly tagged.
td	Indicates a table cell containing data.
tr	Marks one row of a <table> containing <th> or <td> cells.
	For the most current usage guidelines, please refer to *http://www.daisy.org/z3986/.*

f. Images

Element	Description
imggroup	Provides a container for one or more <img> and associated <caption>(s) and <prodnote>(s). A <prodnote> may contain a description of the image. The content model allows: (1) multiple <img> if they share a caption, with the ids of each <img> in the <caption imgref="id1 id2 . . .">, (2) multiple <caption> if several captions refer to a single <img id="xxx"> where each caption has the same <caption imgref="xxx">, (3) multiple <prodnote> if different versions are needed for different media (*e.g.*, large print, braille, or print). If several <prodnote> refer to a single <img id="xxx">, each prodnote has the same <prodnote imgref="xxx">.
img	Points to the image to be rendered. An <img> may stand alone or be grouped using <imggroup>. Note that providing extracted images is not a requirement of the NIMAS. If they are included, it is best to refer to them using <img> within the <imggroup> container.
caption	Describes a <table> or <img>. If used with <table> it must follow immediately after the <table> start tag. If used with <imggroup> it is not so constrained.
	For the most current usage guidelines, please refer to *http://www.daisy.org/z3986/.*

1. The Optional Elements and Guidelines for Use

Publishers are encouraged to apply markup beyond the baseline (required) elements. The complete DTBook Element Set reflects the tags necessary to create the six types of Digital Talking Books and Braille output. Because of the present necessity to subdivide the creation of alternate format materials into distinct phases, the Panel determined that baseline elements would be provided by publishers, and optional elements would be added to the NIMAS-conformant files by third party conversion entities. In both circumstances the protocols for tagging digital files should conform to the most current ANSI/NISO Z39.86 specification. Content converters are directed to the most current DAISY Structure Guidelines (*http://www.daisy.org/z3986/*) for guidance on their use.

Since the publication of the original National File Format report from which the NIMAS technical specifications were derived, ANSI/NISO Z39.86–2002 was updated and is now ANSI/NISO Z39.86–2005. It may be best to avoid using the following optional elements which are no longer included in ANSI/NISO Z39.86–2005: style, notice, hr, and levelhd.

Also, the following new elements were introduced by ANSI/NISO Z39.86–2005 and should be considered optional elements for the NIMAS: bridgehead, byline, covertitle, dateline, epigraph, linegroup, and poem. Please refer to ANSI/NISO Z39.86–2005 for additional information regarding these elements. To access the ANSI/NISO Z39.86–2005 specification, go to *http://www.daisy.org/z3986/*.

2. Package File

A package file describes a publication. It identifies all other files in the publication and provides descriptive and access information about them. A publication must include a package file conforming to the NIMAS. The package file is based on the Open eBook Publication Structure 1.2 package file specification (For most recent detail please see*http://www.openebook.org/oebps/oebps1.2/download/oeb12-xhtml.htm#sec2*). A NIMAS package file must be an XML-valid OeB PS 1.2 package file instance and must meet the following additional standards:

The NIMAS Package File must include the following Dublin Core (dc:)metadata:

- dc:Title.
- dc:Creator (if applicable).
- dc:Publisher.
- dc:Date (Date of NIMAS-compliant file creation—yyyy-mm-dd).
- dc:Format (=''NIMAS 1.0'').
- dc:Identifier (a unique identifier for the NIMAS-compliant digital publication, e.g., print ISBN + ''NIMAS''—exact format to be determined).
- dc:Language (one instance, or multiple in the case of a foreign language textbook, etc.).
- dc:Rights (details to be determined).
- dc:Source (ISBN of print version of textbook).

And the following x-metadata items:

- nimas-SourceEdition (the edition of the print textbook).
- nimas-SourceDate (date of publication of the print textbook).

The following metadata were proposed also as a means of facilitating recordkeeping, storage and file retrieval:

- dc:Subject (Lang Arts, Soc Studies, etc.).
- nimas-grade (specific grade level of the print textbook, e.g.; Grade 6).
- nimas gradeRange (specific grade range of the print textbook, e.g.; Grades 4–5).

An additional suggestion references the use of:

- dc:audience:educationLevel (for the grade and gradeRange identifiers, noting that Dublin Core recommends using educationLevel with an appropriate controlled vocabulary for context, and recommends the U.S. Department of Education's Level of Education vocabulary online at *http://www.ed.gov/admin/reference/index.jsp*. Using educationLevel obviates the need for a separate field for gradeRange since dc elements can repeat more than once. A book used in more than one grade would therefore have two elements, one with value ''Grade 4'' and another with value ''Grade 5.''

A final determination as to which of these specific metadata elements to use needs to be clarified in practice. The package manifest must list all provided files (text, images, etc.). (Note: For purposes of continuity and to minimize errors in transformation and processing, the NIMAS-compliant digital text should be provided as a single document.)

3. Modular Extensions

The most current DAISY/NISO standard, formally the ANSI/NISO Z39.86, Specifications for the Digital Talking Book defines a comprehensive system for creating Digital Talking Books. A part of this standard is DTBook, an XML vocabulary that provides a core set of elements needed to produce most types of books. However, DTBook is not intended to be an exhaustive vocabulary for all types of books.

Guidelines for the correct approach to extend the DAISY/NISO standard have been established. Mathematics, video support, testing, workbooks, music, dictionaries, chemistry, and searching are some of the extensions that have been discussed. Visit *http://www.daisy.org/z3986/* to learn more about modular extensions.

End

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LIST OF PUBLIC LAWS

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H.R. 889/P.L. 109–241

Coast Guard and Maritime Transportation Act of 2006 (July 11, 2006; 120 Stat. 516)

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